

## STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and a resolution, as follows:

Appropriations: SB 121.

Claims: HB 578, HB 952.

Conservation and Reclamation: HB 1321, HB 1661, HB 1731, HB 1743, HB 1751, HB 1757, HB 1764, HB 1765, HB 1768, HB 1769, HB 1774.

Criminal Jurisprudence: HB 887, HB 1163, HB 1357, SB 116.

Insurance: HB 968, HB 1128, HB 1273, HB 1714, SB 360, SB 400.

Judicial Districts: HB 1196, HB 1459, SB 887, SB 917.

Oil, Gas and Mining: HB 1755, SB 359.

Parks and Wildlife: HB 202, HB 828, HB 1498, HB 1545, HB 1547, SB 618.

Public Education: HB 401, HB 495, HB 521, HB 777, HB 779, HB 1007, HB 1552, HB 1646, SB 20, SCR 15.

## SIXTY-EIGHTH DAY—(Continued)—THURSDAY, MAY 6, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Davis, H.	Jones, E.	Poff
Adams	Doran	Jones, G.	Presnal
Agnich	Doyle	Jungmichel	Salem
Allen, Joe	Dramberger	Kaster	Salter
Allen, John	Finck	Kilpatrick	Schulle
Atwell	Finnell	Kubiak	Shannon
Baker	Floyd	Lemmon	Sherman
Bass, B.	Foreman	Lewis	Silber
Bass, T.	Gammage	Lombardino	Simmons
Beckham	Garcia	Longoria	Slider
Bigham	Grant	Lovell	Smith
Blanton	Hale	McAlister	Solomon
Blythe	Hanna, Joe	McKissack	Spurlock
Boyle	Hannah, John	Mengden	Stroud
Braecklein	Harding	Moncrief	Swanson
Burgess	Harris	Moore, A.	Tarbox
Bynum	Hawkins	Moore, T.	Traeger
Caldwell	Haynes	Murray	Truan
Calhoun	Head	Nabers	Tupper
Cavness	Hendricks	Newton	Uher
Christian	Hilliard	Nichols	Vale
Clark	Holmes, T.	Nugent, J.	Ward
Clayton	Howard	Orr	Wayne
Coats	Hubenak	Parker, C.	Wieting
Cole	Hull	Parker, W.	Williams
Craddick	Ingram	Patterson	Wolff
Daniel	Johnson	Pickens	Wyatt
Davis, D.	Jones, D.	Poerner	

## Absent

Allred	Farenthold	Moore, G.	Rosson
Angly	Finney	Moreno	Sanchez
Atwood	Golman	Nelms	Santiesteban
Bowers	Graves	Neugent, D	Semos
Braun	Hawn	Niland	Short
Carrillo	Heatly	Ogg	Slack
Cates	Holmes, Z.	Price	Stewart
Cobb	Kost	Reed	Von Dohlen
Cruz	Lee	Rodriguez	Williamson
Earthman	Ligarde		

## Absent-Excused

## Denton

(Mr. Jungmichel occupied the Chair temporarily)

(Speaker in the Chair)

A quorum of the House was announced present.

The Invocation was offered by the Reverend W. D. Broadway, Pastor of the First Baptist Church, Portland, Texas, as follows:

"Our Heavenly Father, as we pause for prayer at the beginning of this busy day, we thank Thee for all the blessings Thou hast given us.

We praise Thee for all the privileges, opportunities, and freedoms we have in this great Nation. We pray for our country—that the divisions that trouble us may be solved, that we may find ways to peace in our time, and that the war in Viet Nam may come to a close, returning our soldiers to their homes and families. Bless our leaders in their task. Bless the Members of this Body as they attend to the business of our state.

Help us, O God, to return to the God of our Fathers. Help us to please and honor Thee. In the Name of Christ, our Lord. Amen."

Representatives Tom Moore, Salter, and Von Dohlen entered the House and were announced present.

## LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of important business:

Mr. Denton, temporarily for today, on motion of Mr. Tom Moore.

## HB 1657—ORDERED NOT PRINTED

On motion of Mr. Hale, and by unanimous consent, HB 1657 was ordered not printed on second printing.

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Representatives Cobb, Reed, Angly, Short, Rosson, Cates, Stewart, Sanchez, and Ogg entered the House and were announced present.

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(Mr. Hale in the Chair)

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Representatives Golman, Lee, Atwood, and Rodriguez entered the House and were announced present.

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CONSIDERATION OF BILLS ON THE LOCAL AND  
CONSENT CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

SB 729 ON SECOND READING  
(Mr. Doyle—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 729, Authorizing the Commissioners Court of Jefferson County to fix the salary of the commissioners of Jefferson County Drainage District No. 7.

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Representatives Nelms and Slack entered the House and were announced present.

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SB 729—(Consideration continued)

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to third reading of SB 729.

COMMITTEE MEETING

Mr. Calhoun asked unanimous consent of the House that the Committee on Criminal Jurisprudence be permitted to meet at this time.

There was no objection offered.

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Representative Santiesteban entered the House and was announced present.

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## LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of illness:

Mr. Dean Neugent, temporarily for today, on motion of Mr. Harris.

## HB 1119 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1119, Adding power and prescribing procedures for adding certain territory to Harris County Utility District No. 4 which is now within another conservation and reclamation district.

The bill was read second time and was passed to engrossment.

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Representatives Ligarde, Finney, Zan Holmes, and Heatly entered the House and were announced present.

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## HB 244 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 244, Relating to persons not required to obtain a license to fish.

The bill was read second time and was passed to engrossment.

## HB 1608 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1608, Relating to the office of bailiff of the 71st District Court.

The bill was read second time and was passed to engrossment.

## HB 363 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 363, Relating to the creation of the County Court at Law of Angelina County.

The bill was read second time and was passed to engrossment.

## VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 363.

## HB 576 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 576, Creating Holiday Hills Public Utility District in Montgomery County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 576 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Montgomery County, Texas, to be known as Holiday Hills Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Situated wholly within Montgomery County, Texas, and being 1,812.417 acres, more or less, out of the James Hodge Survey, A-19, and the Charles E. Dugat Survey, A-170; and being more particularly described as follows:

Beginning at the southwest corner of said Charles E. Dugat Survey, said point also being in the north line of the A. W. Springer Survey, A-490, and being the southeast corner of the David Thomas Survey, A-550.

Thence, N 01° 40' 36" E, 3074.89 feet along the west line of the said Charles E. Dugat Survey and the east line of the said David Thomas Survey, to a point for corner, which point is also the northwest corner of said Charles E. Dugat Survey and the northeast corner of said David Thomas Survey, and lies in the south line of said James Hodge Survey.

Thence, N 89° 34' 15" E, 1057.00 feet along the north line of the Charles E. Dugat Survey and the south line of the James Hodge Survey, to a point for corner.

Thence N 01° 09' 00" E, 8,833.33 feet to a point in the south Bank of Lake Creek.

Thence in a generally southeasterly direction along the south Bank of Lake Creek with all of its meanders as follows:

N 63° 03' 00" E, 175.28 feet  
 S 43° 02' 00" E, 330.56 feet  
 S 23° 23' 00" E, 311.11 feet  
 S 49° 16' 00" E, 158.33 feet  
 S 36° 18' 00" E, 277.78 feet  
 S 60° 21' 00" E, 280.56 feet  
 S 21° 45' 00" E, 277.78 feet  
 S 73° 15' 00" E, 441.67 feet  
 S 41° 30' 00" E, 386.11 feet  
 N 86° 37' 00" E, 113.89 feet  
 N 13° 29' 00" E, 288.89 feet  
 S 68° 51' 00" E, 419.44 feet  
 N 63° 15' 00" E, 255.56 feet  
 S 38° 56' 00" E, 150.00 feet  
 S 84° 26' 00" E, 341.67 feet  
 S 68° 33' 00" E, 220.00 feet to a point in the south bank of the San Jacinto River.

Thence in a southeasterly direction following along the south Bank of the San Jacinto River with all of its meanders as follows:

S 74° 45' 00" E, 661.11 feet  
 S 57° 43' 00" E, 372.22 feet  
 S 31° 27' 00" E, 527.78 feet  
 S 45° 54' 00" E, 488.89 feet  
 S 01° 09' 00" E, 570.56 feet  
 S 35° 19' 00" E, 444.44 feet  
 S 54° 55' 00" E, 200.00 feet  
 S 62° 35' 00" E, 218.06 feet  
 S 60° 05' 00" E, 288.89 feet  
 S 22° 09' 00" E, 350.00 feet  
 S 17° 21' 00" W, 816.67 feet  
 S 22° 46' 00" E, 315.28 feet  
 S 81° 03' 00" E, 413.89 feet  
 S 66° 19' 00" E, 452.50 feet  
 S 06° 23' 00" E, 636.11 feet  
 S 43° 56' 00" E, 363.89 feet  
 S 79° 39' 00" E, 377.78 feet  
 S 60° 29' 00" E, 361.11 feet  
 S 78° 46' 00" E, 440.28 feet  
 S 45° 22' 00" E, 557.78 feet

S 69° 51' 00" E, 534.44 feet  
S 13° 51' 00" E, 460.56 feet  
S 27° 09' 00" E, 703.89 feet  
S 79° 46' 00" E, 503.89 feet  
S 56° 18' 00" E, 388.89 feet  
S 53° 29' 00" E, 277.78 feet to a point for corner, said point lying in the south line of said James Hodge Survey.

Thence N 89° 02' 00" W, 700.55 feet along the south line of the said James Hodge Survey, to a point for corner.

Thence S 01° 36' 10" W, 1,125.95 feet to a point for corner in a south line of said Charles E. Dugat Survey and the north line of the Thomas Miller Survey, A-366.

Thence S 88° 56' 30" W, 2643.82 feet along a south line of said Charles E. Dugat Survey and the north line of said Thomas Miller Survey, to a point for corner.

Thence S 01° 27' 40" W, 1,953.16 feet along an east line of the said Charles E. Dugat Survey and the west line of the said Thomas Miller Survey to a point for corner, said point being the most southerly southeast corner of the said Charles E. Dugat Survey and lying in the west line of the said Thomas Miller Survey and the north line of the said A. W. Springer Survey.

Thence, N 88° 24' 00" W, 939.56 feet along the south line of the said Charles E. Dugat Survey and the north line of the said A. W. Springer Survey, to a point.

Thence, N 88° 17' 30" W, 1,381.99 feet along the south line of the said Charles E. Dugat Survey and the north line of the said A. W. Springer Survey, to a point.

Thence, N 88° 13' 10" W, 3,443.48 feet along the south line of the said Charles E. Dugat Survey and the north line of the said A. W. Springer Survey, to a point.

Thence, N 89° 09' 10" W, 2494.05 feet along the south line of the said Charles E. Dugat Survey and the north line of the said A. W. Springer Survey, to a point for corner and the place of beginning.

Containing 1,812.417 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Hollis C. Jacobs  
E. B. Good  
J. D. Lawson  
F. Scott Glover  
Frank J. Russell

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 576 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Holiday Hills Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and



declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 576, as amended, was passed to engrossment.

#### HB 467 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 467, Creating Greens Public Utility District in Harris County.

The bill was read second time.

Mr. Daniel offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend HB 467 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Greens Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 709.324 acres of land,

more or less, out of the William Sevey Survey, A-699 (being the same land described in that certain deed from Leonard Rauch, Trustee, to Gerald Rauch, Trustee, dated July 15, 1969, and recorded in Volume 7685, Page 192 of the Deed Records of Harris County, Texas); the subject 709.324 acres being more particularly described, in conformance with the Texas State Plane Coordinate System, South Central Zone, as follows:

Beginning at an old "T" rail found in the west fence line of this tract and being the recognized southeast corner of the Pierce Sullivan Survey, A-749; said "T" rail having Texas State Plane Coordinates of X=8,139,783.758 and Y=782,353.231.

Thence, N 2° 34' 49" W 5275.04 feet with the west line of said Rauch tract to its northwest corner.

Thence, N 87° 30' 51" E 5095.51 feet with the north line of the Rauch tract to a 3/4-inch iron pipe found at the northeast corner of said tract and in the westerly right-of-way line of the I. & G. N. Railroad (100.00 feet wide).

Thence, S 14° 04' 03" E 5561.86 feet with the westerly right-of-way line of the I. & G. N. Railroad to the southeast corner of said Rauch tract.

Thence, S 87° 28' 19" W 1617.06 feet with the south line of the Rauch tract to an angle point.

Thence, S 87° 24' 25" W 1030.69 feet to an angle point.

Thence, S 87° 26' 47" W 1026.77 feet to an ell corner.

Thence, S 2° 36' 21" E 42.67 feet.

Thence, S 87° 33' 05" W 872.84 feet to an angle point.

Thence, S 87° 31' 34" W 1199.86 feet to an angle point.

Thence, S 87° 51' 13" W 306.86 feet to an angle point.

Thence, N 61° 05' 26" W 174.96 feet to an angle point.

Thence, N 2° 32' 36" W 126.80 feet to the place of beginning.

Containing 709.324 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Leonard Rauch  
Robert Sud  
Paul E. Williams  
Jack Melamed  
Gordon Carl

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 467 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Greens Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and

declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 467, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 467.

#### HB 1146 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1146, Creating Harris County Utility District No. 16.

The bill was read second time.

Mr. Finck offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend HB 1146 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Harris County Utility District No. 16, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

All those certain tracts or parcels containing 313.499 acres of land located in Block 5, Section 1, of the W.C.R.R. Company Survey, Abstract 890, Harris County, Texas, said 313.499 acres being in two (2) parcels and being more particularly described by metes and bounds as follows:

#### PARCEL ONE

Beginning at a 3/4" I.P. marking the southwest corner of the aforementioned Section One;

Thence with the west line of said Section One, N 00° 42' 53" W, 2947.22 feet to the northwest corner of said Section One;

Thence with the north line of said Section One N 89° 19' 15" E, 4338.10 feet to a point for corner in the westerly line of the I & G.N. R.R. Company right-of-way;

Thence with the westerly line of the I & G.N. Company right-of-way S 12° 28' 20" E, 1912.38 feet to a point for corner in the east line of the aforementioned Section One;

Thence with the east line of said Section One S 00° 42' 53" E, 1075.21 feet to the southeast corner of said Section One;

Thence with the south line of said Section One S 89° 19' 15" W, 4727.78 feet to the point of beginning and containing 311.503 acres of land.

#### PARCEL TWO

Beginning where the north line of the aforementioned Section One intersects with the easterly right-of-way line of Hardy Street;

Thence with the north line of said Section One N 89° 19' 15" E, 190.23 feet to the northeast corner of said Section One;

Thence with the east line of said Section One S 00° 42' 53" E, 914.21 feet to a point for corner in the aforementioned easterly line of Hardy Street;

Thence with the easterly line of Hardy Street N 12° 28' 04" W, 993.91 feet to the point of beginning and containing 1.996 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

Monte Lord  
Sherrill Leatherwood  
Tom Fatjo  
Sonny Wallace  
Wayne Wickman

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1146 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Utility District No. 16; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first

directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1146, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1146.

#### HB 1620 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1620, Creating Varner Creek Utility District in Brazoria County.

Representatives Williamson and Braun entered the House and were announced present.

#### HB 1620—(Consideration continued)

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1620 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Brazoria County, Texas, to be known as Varner Creek Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or re-

funding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Field notes of a 1169.64 acre tract, called 1180.8 acre tract, out of the Varner Hogg Plantation, 7.83 acres lying and being situated in Nash Road, County Road No. 25, and being more particularly that tract of land bounded on the south by the south line of the Martin Varner League, on the east by the west line of County Road No. 25, on the north by the south line of the Alice Nicholson Hogg Hanszen 400.0 and 855.0 acre tracts and on the west by the center line of Varner Creek and the Varner Hogg State Park, in the Martin Varner League, Abstract 133, Brazoria County, Texas, and by metes and bounds described as follows, to wit:

Beginning at an iron pipe in the South line of the Varner League and the approximate center line of Varner Creek;

Thence; up the center line of Varner Creek and adjacent to the Alex Weems' tract with the following meanders: North 47° 29' West, 100.0 feet; North 82° 13' West, 234.0 feet; North 60° 33' West, 354.0 feet; North 33° 35' West, 314.0 feet; North 77° 45' West, 228.0 feet; South 83° 02' West, 413.0 feet; South 67° 00' West, 159.0 feet; South 60° 46' West, 100.00 feet; North 85° 51' West, 121.0 feet; North 10° 51' West, 199.0 feet; North 70° 34' West, 349.0 feet; North 87° 01' West, 500.0 feet; North 88° 52' West, 226.0 feet; North 57° 19' West, 324.0 feet; North 21° 13' West, 261.0 feet; North 06° 42' East, 375.0 feet; North 11° 30' West, 236.0 feet; North 50° 31' West, 296.0 feet; North 04° 50' East, 213.0 feet; North 60° 06' West, 300.0 feet; North 32° 14' East, 244.0 feet; North 24° 13' West, 81.5 feet; North 72° 49' West, 255.0 feet; North 17° 51' West, 168.0 feet; North 05° 07' West, 182.0 feet; North 54° 45' West, 258.0 feet; South 72° 31' West, 223.0 feet; South 76° 22' West, 144.0 feet; North 66° 24' West, 40.6 feet; North 39° 09' West, 203.0 feet; North 80° 09' West, 200.0 feet; South 79° 00' West, 227.0 feet; North 73° 00' West, 390.6 feet to the intersection with the approximate center line of a drainage ditch making the East corner of the 12.99 acre tract of the Varner Hogg State Park;

Thence; continuing along center line of Varner Creek with the following meanders: North 57° 42' West, 156.3 feet; North 37° 02' West, 114.5 feet to a ½" iron rod at the water's edge of Varner Creek;

Thence; North 61° 05' East, 389.1 feet along a fence to a ½ inch iron rod for the Southeast corner of a 52.67 acre State Park tract;

Thence; 28° 55' West, 2,007.0 feet to a ½ inch iron rod in a fence corner for the Northeast corner of the 52.67 acre park tract;



Thence; South 61° 05' West, 734.7 feet to a 3 inch iron pipe on the top bank of Varner Creek and the intersection with the Dr. Burns' 220.88 acre tract;

Thence; North 40° 54' 10" West, 131.6 feet to the approximate center line of the Varner Creek;

Thence; North 48° 34' 40" West, 751.1 feet along the approximate center line of Varner Creek, to a ½ inch iron rod for corner;

Thence; North 15° 47' 40" West, 257.6 feet to a ½ inch iron rod set for corner, being in the South line of the Alice Nicholson Hogg Hanszen 400 acre tract, and the most Easterly corner of the Burns' 220.88 acre tract;

Thence; North 89° 51' 20" East, 2,390.8 feet along the South line of the Hanszen 400 acre tract to a 4 inch iron pipe for corner;

Thence; North 00° 08' 40" West, 1,181.0 feet to a 2 inch iron pipe for corner;

Thence; South 89° 50' 40" East, 5,539.3 feet along the Southerly line of the Hanszen 855.0 acre tract to the intersection with the center line of the Nash Road, County Road No. 25;

Thence, South 32° 16' East along the center line of Nash Road; County Road No. 25, 987.39 feet to the point of a curve;

Thence; around a curve to the left that is tangent to the last described course, in a Southeasterly direction, whose radius is 716.78 feet, a distance of 439.79 feet to a point for corner;

Thence; South 67° 27' East, 620.96 feet to the point of a curve;

Thence; around a curve to the right that is tangent to the last described course, in a Southeasterly direction and whose radius is 819.02 feet, a distance of 392.5 feet;

Thence; South 39° 58' 30" East, 995.41 feet to a point of a curve;

Thence; around a curve to the right that is tangent to the last described course, in a Southeasterly direction and whose radius is 955.37 feet, a distance of 466.11 feet to a point for corner;

Thence; South 12° 00' 30" East, 959.64 feet to a point of a curve;

Thence; around a curve to the right that is tangent to the last described course in a Southwesterly direction, and whose radius is 955.37 feet, a distance of 533.89 feet to a point for corner;

Thence; South 20° 01' 30" West, 124.69 feet to the point of a curve;

Thence; around a curve to the left that is tangent to the last described course, in a Southeasterly direction and whose radius is 573.69 feet, a distance of 504.25 feet to a point for corner;

Thence; 30° 24' East, continuing along center line of County Road No. 25, 359.39 feet to a point for corner;

Thence; South 31° 30' 30" East, 111.4 feet to a point for corner;

Thence; South 32° 10' 30" East, 583.10 feet to a point of a curve;

Thence; around a curve to the right that is tangent to the last described course, in a Southwesterly direction and whose radius is 240.29 feet, a distance of 170.97 feet to a point for corner;

Thence; South 08° 51' 30" West, 293.90 feet to the point of a curve;

Thence; around a curve to the left that is tangent to the last described course, in a Southeasterly direction and whose radius is 573.69 feet, a distance of 95.75 feet to a point for corner;

Thence; South 00° 43' East, 296.21 feet to the point of a curve;

Thence; around a curve to the right that is tangent to the last described course, in a Southwesterly direction and whose radius is 573.69 feet, a distance of 171.08 feet to a point for corner;

Thence; South 16° 23' 30" West, 421.46 feet to the intersection with the South line of the Martin Varner League;

Thence; West along the South line of the Martin Varner League and the North line of the J. H. Bell League, 3,431.6 feet to the place of beginning.

Said tract therein containing 1,169.64 acres, more or less, of which 7.83 acres are situated in County Road No. 25.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Charles A. Lingo  
E. R. Karter  
W. R. Bell, Jr.  
Clyde A. Wilson, Sr.  
J. D. Weaver, Jr.

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors

to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1620 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Varner Creek Utility District of Brazoria County Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility district created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1620, as amended, was passed to engrossment.

Representative Semos entered the House and was announced present.

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#### HB 1679 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1679, Relating to fees paid to directors of the Franklin County Water District.

The bill was read second time and was passed to engrossment.

#### HB 1636 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1636, Relating to the compensation of the judge of the County Court at Law of Taylor County.

The bill was read second time and was passed to engrossment.

#### VOTES RECORDED

Representatives Kubiak and Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1636.

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Representatives Farenthold and Graves entered the House and were announced present.

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#### LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for today on account of illness:

Mr. Wayne, for the remainder of today, on motion of Mr. Delwin Jones.

#### HB 986 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 986, Including Fannin County under the provisions of the Uniform Wildlife Regulatory Act.

The bill was read second time.

Mr. Kubiak offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 986, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Section 1 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code), is amended to read as follows:

"Section 1. This Act shall be referred to for all purposes as 'The Uniform Wildlife Regulatory Act.' This Act shall apply only to Anderson, Andrews, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, De Witt, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Fort Bend, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kent, Kerr, Kimble, Kinney, Knox, Lamar, Lamb, Lampasas, Lavaca, Lee, Liberty, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, McCulloch, McLennan, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Runnels, Rusk, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stone-wall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Yoakum, Young and Zavala Counties; and to all of the water area of Lake Tawakoni located within Rains, Van Zandt, and Kaufman Counties; and to all of the water area of the Joe B. Hogsett Reservoir known as the Cedar Creek Reservoir, located within Henderson and Kaufman Counties; and to the land and water area of the Somerville Reservoir located in Burleson, Lee and Washington Counties; and to that portion of Lake Texoma in Cooke and Grayson Counties; and to all of the water area of the Sam Rayburn Reservoir in Angelina, Nacogdoches, Sabine and San Augustine Counties; and to all the water area of Toledo Bend Reservoir in Sabine and Shelby Counties; and to all of the water area of Lake Palestine located in Anderson, Smith, Cherokee, and Henderson Counties; and to all the water area of Falcon Reservoir located in Zapata County."

Section 2. Amend Section 18 of Chapter 730, Acts of the 60th Legislature, 1967 (codified as Article 978j-1, Vernon's Texas Penal Code), as follows:

"Sec. 18. The Parks and Wildlife Commission may thereafter, within a reasonable period, promulgate its proclamations, rules, regulations, and orders for the purpose and under the provisions of this Act. Until such rules, regulations, orders and proclamations of the Parks and Wild-

life Commission are adopted in accordance with the provisions of this Act, all General and Special Laws and existing proclamations relating to the taking of any of the wildlife resources within this state or county shall remain in full force and effect. All game laws, General and Special, presently in force or enacted during the 62nd Legislature, pertaining to the State of Texas or any county or counties therein, shall be in full force and effect until the Parks and Wildlife Commission shall, in accordance with this Act, issue a proclamation, rule or regulation dealing with the subject matter of the county affected by such presently existing game law."

Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend HB 986 by striking out all above the enacting clause and inserting in lieu thereof the following:

A bill to be entitled An Act to include Fannin County within the provisions of the Uniform Wildlife Regulatory Act by amending Section 1 and Section 18 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 986, as amended, was passed to engrossment.

#### HB 197 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 197, Relating to the Angleton-Danbury Hospital District of Brazoria County.

The bill was read second time.

Mr. Hubenak offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend HB 197 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 9, Chapter 120, Acts of the 60th Legislature, Regular Session, 1967, is hereby amended to read as follows:

"Section 9. The Board of Directors of the District shall designate as its assessor and collector of taxes for the District the County Tax Assessor-Collector and the Board of Directors may require that all of the property in the District subject to District taxation shall be assessed at a greater rate of value than the same property is assessed for state and county pur-

poses, provided that the aggregate total of the assessed valuation of all such property shall not exceed a sum equal to 150% of the aggregate total of the assessed valuation of all such property as reflected by the tax rolls of Brazoria County for the calendar year 1970; except that when the aggregate total of the assessed valuation of all such property as assessed for state and county purposes shall have reached a sum equal to 150% of the aggregate total of the assessed valuation of all such property as reflected by the tax rolls of Brazoria County for the calendar year 1970, then thereafter the tax rolls of Brazoria County as they relate to such property shall be and shall constitute the tax rolls for the District and all tax valuations for the District and for the County shall thereafter be the same. Not later than October 1 of each year the Board of Directors shall levy the tax on all property within the District which is subject to taxation and shall immediately certify the rate of such tax to the County Tax Assessor-Collector. The tax so levied shall be collected by said Assessor-Collector in the same manner and under the same conditions as Brazoria County taxes.

The Board of Directors of the District shall pay annually to Brazoria County an amount equal to 1½% of the amount of taxes annually collected by said County Tax Assessor-Collector on behalf of the District. The County Tax Assessor-Collector shall turn over all District taxes collected by him to the official depository of the District.

The tax collections shall be deposited in the District's depository and may be withdrawn as directed by said District's Board of Directors. All other income of such District shall be deposited in said depository. Said Board shall have authority to levy said tax for the entire year in which said District is established to obtain funds to initiate the operation of the District."

Section 2. Proof of publication of the notice required in the enactment hereof under the provisions of Section 9 of Article IX of the Texas Constitution has been made in the manner and form provided by law pertaining to the enactment of local and special laws and is hereby found and declared to be proper and sufficient to satisfy such requirements.

Section 3. If any section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional.

Section 4. The fact that the purposes to be accomplished by the provisions of this Act will result in material benefit to the State of Texas and to the District and the crowded condition of the calendars in both Houses, create an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three separate days in each House be suspended; and said Rule is hereby suspended and this Act shall be in force and take effect from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend HB 197 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act amending Section 9 of Chapter 120, Acts of

the 60th Legislature, Regular Session, 1967; relating to the Angleton-Danbury Hospital District of Brazoria County, Texas; reciting proof of publication of constitutional notice; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 197, as amended, was passed to engrossment.

#### HB 1068 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1068, Adding Bailey County to the list of counties in which petitions may be made to the commissioners court to permit cattle to run at large.

The bill was read second time and was passed to engrossment.

#### HB 425 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 425, Regulating the weapons that may be used in hunting deer in Marion County.

The bill was read second time.

Mr. Schulle offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend HB 425, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Section 5, Chapter 113, Acts of the 52nd Legislature, 1951, is amended to read as follows:

"Section 5. (a) No person may use .22 caliber rimfire ammunition or a .22 caliber jetgun or rocketgun for hunting or shooting deer in Marion County.

"(b) No person may take or kill or attempt to take or kill any wild deer in Marion County with a .22 caliber rifle or by any method or means except with a rifle (other than a .22 caliber rifle) or shotgun capable of being fired from the shoulder. No person may use any of these means of hunting deer on the land of another without the permission of the owner or lessee of the land."

Sec. 2. Section 6, Chapter 113, Acts of the 52nd Legislature, Regular Session, 1951, is repealed.

Sec. 3. Section 2, Chapter 113, Acts of the 52nd Legislature, 1951, as amended, is amended to read as follows:

"Section 2. There shall be two (2) open seasons for the taking of buck



deer with pronged antlers in Marion County. The first open season shall be November 16 through November 21, and the second open season shall be December 25 through December 31. No person may take more than two (2) buck deer with pronged antlers in Marion County during any calendar year."

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 425, as amended, was passed to engrossment.

#### HB 1525 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1525, Relating to the jurisdiction of the County Court at Law No. 1, the County Court at Law No. 2, and the Court of Domestic Relations of Nueces County.

The bill was read second time.

Mr. Daniel offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend HB 1525 by deleting the last sentence of the quoted Section 2 in Section 4 of the bill, and substituting in lieu thereof the following:

The Judge of the Court of Domestic Relations shall be a member of the Juvenile Board of Nueces County, and for this additional work as a member of the Juvenile Board he shall be allowed compensation in like manner as other members of said Juvenile Board, such compensation to be in addition to the salary herein provided.

The committee amendment was adopted without objection.

HB 1525, as amended, was passed to engrossment.

#### SB 232 ON SECOND READING (Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 232, Relating to the appointment of members of the Board of Directors of the Lower Colorado River Authority.

The bill was read second time and was passed to third reading.

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SB 612 ON SECOND READING  
(Mr. Harding—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 612, Authorizing the State Board of Insurance to adopt rules and regulations relating to the safe operation of mobile service units.

The bill was read second time.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 2(d) of Section 1 of SB 612 to read as follows:

“(d) In addition to other authority granted by this Act, the State Board of Insurance shall formulate, adopt, and promulgate rules and regulations for the safe movement and operation of mobile service units and for the safe dispensing of flammable liquids by mobile service units. As used in this Act, and in the rules promulgated hereunder, ‘mobile service units’ are vehicles, tank trucks, or other mobile devices from which flammable liquids used as motor fuels may, as an act of retail sale, be dispensed into the fuel tanks of motor vehicles parked on off-street parking facilities; provided that any city may, by ordinance, within one hundred and eighty (180) days after promulgation by the State Board of Insurance of statewide regulations hereunder, adopt rules and regulations covering such units which are more restrictive but not less restrictive than those adopted by the State Board of Insurance hereunder and in addition thereto any city may license and charge a reasonable license fee for the operation of each such mobile service unit operating in such city. The rules and regulations promulgated under this Act shall have uniform force and effect throughout the state and no municipality or county shall hereinafter enact or enforce any ordinance, rules or regulations inconsistent with the rules and regulations promulgated hereunder except as provided herein. Provided, however, that any municipal or county ordinances, rules or regulations in force and effect on the effective date of this Act, including the prohibition of mobile service units, shall not be invalidated because of any provision of this Act.”

The committee amendment was adopted without objection.

SB 612, as amended, was passed to third reading.

VOTES RECORDED

Representatives Lovell, Schulle, Kubiak, Spurlock, and John Hannah requested to be recorded as voting Nay on the passage to third reading of SB 612.

SB 136 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 136, Allowing more flexibility by political subdivisions in administering Texas County and District Retirement System.

Representative Carrillo entered the House and was announced present.

SB 136—(Consideration continued)

SB 136 was read second time and was passed to third reading.

SB 442 ON SECOND READING  
(Mr. Atwell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 442, Relating to salaries of certain county officials.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 442, First Printing, by:

- (1) adding on line 34 of page one, between the words "the" and "salaries", the word "annual";
- (2) striking on line 35 of page one the phrase "as follows" and substituting the phrase "in amounts not to exceed the following";
- (3) striking on line 36 of page one the phrase "shall be" and substituting the punctuation ",",
- (4) striking on line 37 of page one the phrase "per annum";
- (5) striking on line 46 of page one the word "by" and substituting the phrase "under authority of";
- (6) striking on line 55 of page one the word "less" and substituting the word "more";
- (7) striking on line 58 of page one the phrase "the sum of" and substituting the phrase "a sum, to be fixed by the commissioners court, not to exceed"; and
- (8) striking the paragraph appearing on lines 4 through 13 of page 2.

The committee amendment was adopted without objection.

SB 442, as amended, was passed to third reading.

## VOTES RECORDED

Representatives Kubiak and Harding requested to be recorded as voting Nay on the passage to third reading of SB 442.

SB 518 ON SECOND READING  
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 518, Requiring the assumption of pension liabilities by any governmental entity which annexes, merges with or absorbs a subdivision.

The bill was read second time and was passed to third reading.

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Representative Griffith Moore entered the House and was announced present.

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SB 67 ON SECOND READING  
(Mr. Jungmichel—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 67, Eliminating requirement that reports of Highway Department employees physical examinations be notarized by the examining physician.

The bill was read second time and was passed to third reading.

SB 372 ON SECOND READING  
(Mr. Caldwell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 372, Relating to the capture, possession, and use of certain native raptors in the sport of falconry.

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Representatives Bowers and Earthman entered the House and were announced present.

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SB 372—(Consideration continued)

SB 372 was read second time and was passed to third reading.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 439, by Ward: Welcoming Texas history students from Cleburne.

Representatives Hawn and Price entered the House and were announced present.

SB 679 ON SECOND READING  
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 679, Authorizing the Parks and Wildlife Department to permit the capture of alligators and marine mammals for use and display in public or commercial aquariums.

The bill was read second time and was passed to third reading.

SB 316 ON SECOND READING  
(Mr. Burgess—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 316, Exempting the operator of certain motor vehicles from the requirement of obtaining a commercial operator's license.

The bill was read second time and was passed to third reading.

SB 357 ON SECOND READING  
(Mr. Atwell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 357, Relating to salaries of purchasing agents in certain counties.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 357, First Printing, by striking on line 33 the phrase "less than Five Thousand Dollars (\$5,000) nor".

The committee amendment was adopted without objection.

SB 357, as amended, was passed to third reading.

VOTES RECORDED

Representatives Kubiak and Harding requested to be recorded as voting Nay on the passage to third reading of SB 357.

Representatives Allred and Cruz entered the House and were announced present.

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SB 40 ON SECOND READING  
(Mr. Ogg—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 40, Providing for the compensation to district attorneys in certain counties.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 40, first printing, by substituting "more" for "less" on line 30.

The committee amendment was adopted without objection.

SB 40, as amended, was passed to third reading.

VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to third reading of SB 40.

SB 757 ON SECOND READING  
(Mr. Jungmichel—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 757, Relating to regulation of the use of the term "Texas Agricultural Product" and symbols connected with that term.

The bill was read second time and was passed to third reading.

SB 807 ON SECOND READING  
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 807, Relating to the appointment, powers, and duties of the County Historical Survey Committee.

The bill was read second time and was passed to third reading.

SB 338 ON SECOND READING  
(Mr. Delwin Jones—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 338, Relating to creation of the Real Estate Research Center at Texas A&M University.

The bill was read second time.

Mr. Delwin Jones offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 338 by striking all below the enacting clause and insert the following:

Section 1. There is established at Texas A&M University, in the College of Agriculture, a Real Estate Research Center, hereinafter referred to as the center.

The operating budget, staffing, and activities of the center shall be approved by the Board of Directors of the Texas A&M University System.

Sec. 2. (a) The Real Estate Research Advisory Committee is created.

(b) The advisory committee is composed of nine persons appointed by the Governor, without Senate confirmation, with the following representation:

(1) six members shall be real estate brokers, licensed as such for at least 5 years preceding the date of their appointment, who have been recommended by the Texas Real Estate Commission and are representative of each of the following real estate specialties:

(i) one member shall be principally engaged in real estate brokerage;

(ii) one member shall be principally engaged in real estate financing;

(iii) one member shall be principally engaged in the ownership or construction of real estate improvements;

(iv) one member shall be principally engaged in the ownership, development or management of residential properties;

(v) one member shall be principally engaged in the ownership development or management of commercial properties;

(vi) one member shall be principally engaged in the ownership, development or management of industrial properties;

(2) three members shall be representatives of the general public.

(c) Except for the initial appointees, members of the advisory committee hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In

making the initial appointments, the governor shall designate three members, including two representatives of the real estate industry and one representative of the general public, for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977. Any vacancy shall be filled by appointment for the unexpired portion of the term. Each member shall serve until his successor is qualified.

(d) The chairman of the Texas Real Estate Commission, or a member of the commission designated by him, shall serve as an ex officio, non-voting member of the advisory committee.

(e) The committee shall elect a chairman from its membership, and he shall serve for an annual term.

(f) The first meeting of the advisory committee shall be called by the president of Texas A&M University or his designated representative. The committee shall meet not less than semiannually, and in addition on call of its chairman, or on petition of any six of its members, or on call of the president of Texas A&M University or his designated representative.

(g) The advisory committee shall review and approve proposals to be submitted to the board of directors of the Texas A&M University System relating to staffing and general policies including priority ranking of research studies and educational and other studies.

(h) The president of Texas A&M University or his designated representative shall submit to the advisory committee in advance of each fiscal year a budget for expenditures of all funds provided for the center in a form that is related to the proposed schedule of activities for the review and approval of the advisory committee. The proposed budget approved by the advisory committee shall be forwarded with the comments of the committee to the board of directors of the Texas A&M University System prior to its action on the proposed budget, and the board of directors of the Texas A&M University System shall not authorize any expenditure that has not had the prior approval of the advisory committee.

(i) The president of Texas A&M University or his designated representative shall submit to the advisory committee for its review and approval a research agenda at the beginning of each fiscal year and shall continuously inform the advisory committee of changes in its substance and scheduling.

Sec. 3. The purposes, objectives, and duties of the center are as follows:

(1) to conduct studies in all areas that relate directly or indirectly to real estate and/or urban or rural economics and to publish and disseminate the finding and results of the studies;

(2) to assist the teaching program in real estate offered by the colleges and universities in the State of Texas when requested to do so, and to award scholarships and establish real estate chairs when funds are available;

(3) to supply material to the Texas Real Estate Commission for the



preparation of the examinations for real estate salesmen and brokers, if requested to do so by the commission;

(4) to develop and from time to time revise and update materials for use in the extension courses in real estate offered by the university and colleges in the State of Texas when requested to do so;

(5) to assist the Texas Real Estate Commission in developing standards for the accreditation of vocational schools and other teaching agencies giving courses in the field of real estate, and standards for the approval of courses in the field of real estate, as and when requested to do so by the commission;

(6) to make studies of and recommend changes in state statutes and municipal ordinances, providing however that no staff member of the center shall directly contact legislators or locally elected officials concerning the recommendations except to provide a factual response to an inquiry as to the method of research or nature of the findings;

(7) provided and except, however, that those conducting such research and studies shall periodically review its progress with the advisory committee or its designated representative, and the results of any research project, or study, shall not be published or disseminated until it has been reviewed and approved in writing by the advisory committee or its designated representative.

Sec. 4. The center may make a charge for its publications and may receive gifts and grants from foundations, individuals, and other sources for the benefit of the research center.

Sec. 5. A report of the activities and accomplishments of the center shall be published annually.

Sec. 6. Section 22, Texas Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 22. The Commission shall charge and collect the following fees:

"(a) A fee not to exceed Twenty Dollars (\$20.00) for the filing of any original application for real estate broker licensure.

"(b) A fee not to exceed Twenty Dollars (\$20.00) for the filing of any real estate broker license renewal application.

"(c) A fee of Ten Dollars (\$10.00) for the filing of an original application for real estate salesman licensure.

"(d) A fee of Ten Dollars (\$10.00) for the filing of any real estate salesman license renewal application.

"(e) A fee of Three Dollars (\$3.00) for a license for each additional office or place of business.

"(f) A fee of Three Dollars (\$3.00) for a license for a change of place of business or change of employer.

"(g) A fee of Three Dollars (\$3.00) to replace a license lost or destroyed.

"(h) A fee of Two Hundred Dollars (\$200.00) for the filing of an original application for approval of a real estate brokerage course to be conducted by a privately owned school (other than an accredited institution of higher learning) pursuant to provisions of Section 10 of this Act.

"(i) A fee of One Hundred Dollars (\$100.00) per annum for inspecting and renewing approval of a privately owned school (other than an accredited institution of higher learning) conducting real estate courses approved by the Commission."

Sec. 7. Section 24, Texas Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 24. (a) Ten dollars (\$10.00) received by the Commission for the filing of broker license renewal applications and Five Dollars (\$5.00) received by the Commission for the filing of real estate salesman license renewal applications shall be transmitted to Texas A & M University for deposit in a separate banking account. The money in the separate account shall be expended for the support and maintenance of the Real Estate Research Center and for carrying out the purposes, objectives, and duties of the center.

"(b) Except as provided in Subsection (a) of this section all moneys derived from fees, assessments, or charges under this Act, shall be paid by the Commission into the State Treasury for safekeeping, and shall by the State Treasurer be placed in a separate fund to be available for the use of the Commission in the administration of the Act upon requisition of the Commission. So much of such moneys so paid into the State Treasury as is necessary is hereby specifically appropriated to the Commission for the purpose of paying the salaries and expenses of all persons employed or appointed as provided herein for the administration of this Act, and all other expenses necessary and proper for the administration of this Act, including equipment and maintenance of any supplies for such offices or quarters as the Commission may occupy, and necessary traveling expenses for the Commission or persons authorized to act for it when performing duties hereunder at the request of the Commission. At the end of the State fiscal year, any unused portion of said funds in said special account, except such funds as may be appropriated to administer this Act pending receipt of additional revenues available for that purpose, shall be set over and paid into the General Revenue Fund. The Comptroller shall, upon requisition of the Commission, from time to time draw warrants upon the State Treasurer for the amount specified in such requisition, not exceeding, however, the amount in such fund at the time of making any requisition; provided, however, that all moneys expended in the administration of this Act shall be specified and determined by itemized appropriation in the General Departmental Appropriation Bill for the Texas Real Estate Commission, and not otherwise."

Sec. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and parts of laws in conflict or inconsistent with this Act are hereby repealed.

Sec. 10. The fact that real property is of such vital importance in Texas; and the further fact that Texas citizens annually spend millions of dollars on real property; and the further fact that there exists a need to know more about real property; and the further fact that the importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and this Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

The committee amendment was adopted without objection.

SB 338, as amended, was passed to third reading.

(Speaker in the Chair)

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Representatives Kost, Moreno, and Niland entered the House and were announced present.

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#### HB 730 WITH SENATE AMENDMENTS

Mr. Atwell called up with Senate amendments for consideration at this time,

HB 730, Raising revenue for support of the state government.

Mr. Kubiak raised a point of order against further consideration of HB 730 on the grounds that the bill passed the Senate in violation of Article III, Section 32 of the Texas Constitution.

The Speaker overruled the point of order, stating:

Mr. Kubiak makes the point of order that the Senate while considering HB 730 passed the bill in violation of Article III, Section 32 of the Texas Constitution requiring bills to be read on three several days in each House of the Legislature.

HB 730 has been returned to the House with Senate amendments. There is no Texas precedent for either House to question the procedure of the other House in enacting legislation.

The Senate endorsements on HB 730 and the official message from the Senate reflect that the bill was properly passed by that Body.

"Messages constitute the sole source of official information as to action taken by the other House and may not be supplemented or questioned." 8 Cannon's Precedents 805, Section 3342.

The Senate and House are coequal legislative Bodies. For the Chair, or this House to consider if the other House adhered to all procedural niceties in the passage of legislation on its tenuous and dangerous journey to become law, would make the journey even more difficult and would put the legislature in a quagmire which would effectively bog down and stymie all legislation. Moreover, such action by one House would be an invitation, nay a challenge, for the other House to reciprocate and retaliate, with the inevitable result that more time would be spent on procedural matters than would be spent considering substantive legislation.

The Executive and Judicial departments will not raise or permit a question when HB 730 is enrolled and is signed in accordance with Section 38 of Article III of the Constitution. The enrolled bill rule prevails in Texas, and the Courts are prevented and have refused to go behind an enrolled bill to ascertain constitutional passage or Journal entries. 1 Vernon's Constitution 575 and 604 (interpretative commentary on Sections 12 and 32 of Article III, citing cases). The United States Supreme Court, in a case arising out of Texas, *Duncan v. McCall* 139 U.S. 449, 35 L Ed 224, 11 S Ct 576, collected the cases including *Blessing v. Galveston* 42 T 641, *Ex Parte Tipton* (Civ App) 13 SW 610 *McLane v. Paschal* (Civ App) 28 SW 711 and *Day Land & Cattle Co. v. State* 68 T 526, 4 SW 865, holding that an authenticated statute should be regarded as the best evidence that the required formalities were observed in its passage.

For these reasons the point of order is respectfully overruled.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 6, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HB 438, By A. Moore: Relating to compensation for assistants to the county superintendent in certain counties; and declaring an emergency.

HB 532, By Cavness: More specifically to specify that licensed dealers and buyers therefrom may transport their unregistered vehicles by certain methods and under specific conditions; and declaring an emergency.

HB 635, By A. Moore: Relating to additional classes of counties that are to use jury wheels in selecting jurors; and declaring an emergency.

HB 1259, By Von Dohlen: Relating to an increased maintenance tax in certain common school districts; and declaring an emergency.

HCR 7, By Salem: Urging the Texas Industrial Commission to promote aggressive programs to stimulate foreign trade and advise and assist commerce, industry or individuals seeking to bring goods into or through our borders.

HB 290, By Jungmichel: Amending the Uniform Wildlife Regulatory Act to repeal the limitation for Colorado County in Section 3; and declaring an emergency.

HB 476, By Howard: Relating to the computation of state allotments to eligible school districts under the Foundation School Program Act; and declaring an emergency.

HB 238, By Ligarde: Providing for the compensation of the official court reporter of the 111th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency.

HB 1035, By Lemmon: Providing for the advertisement of taking of bids on contracts on amounts exceeding \$10,000 or of a duration of more than two years; etc.; and declaring an emergency.

HB 1704, By Longoria, et al: Relating to the issuance of interest-bearing time warrants by certain independent school districts; and declaring an emergency.

HB 403, By Murray, Finck: To change the name of the Harlingen State Tuberculosis Hospital to the Harlingen State Chest Hospital, to change the name of the San Antonio State Tuberculosis Hospital to the San Antonio State Chest Hospital, and to change the name of the East Texas Tuberculosis Hospital to the East Texas Chest Hospital; and declaring an emergency.

HB 1201, By Howard: Constituting a local law for the maintenance of the public roads and highways in Bowie County by authorizing the county to issue certificates of indebtedness for the purpose of acquiring right-of-way for the designated state highways, including farm-to-market highways, or federal highways when the acquisition of such right-of-way is approved by the State Highway Commission; and declaring an emergency.

HB 705, By Solomon: Relating to the jurisdiction of the County Court of Franklin County and the district courts having jurisdiction in Franklin County; and declaring an emergency.

HB 704, By Solomon: Relating to the counties included within the 8th and 76th Judicial Districts; etc.; and declaring an emergency.

HB 572, By C. Parker, Doyle: Relating to the salary of the Judge of the County Court of Jefferson County at Law No. 2; and declaring an emergency.

HB 573, By C. Parker, Doyle: Relating to the salary of the Judge of the County Court of Jefferson County at Law; and declaring an emergency.

HB 574, By Doyle, C. Parker: Relating to the salary of the criminal district attorney of Jefferson County; and declaring an emergency.

HB 584, By Haynes: Relating to the compensation of the court reporter of the County Court at Law of Orange County; and declaring an emergency.

HB 642, By Haynes: Relating to the annual salaries of assistants to the county school superintendent in certain counties; and declaring an emergency.

HB 891, By B. Bass: Relating to additional classes of counties that are to use jury wheels in selecting jurors; and declaring an emergency.

HB 1598, By Newton: Relating to number and terms of office of members of the board of directors of the Hondo Creek Watershed Improvement District; and declaring an emergency.

HB 1628, By Wieting: Relating to making the provisions of the Uniform Wildlife Regulatory Act applicable to all wildlife resources in Live Oak County; and declaring an emergency.

HB 104, By Clayton: Relating to a temporary registration permit for trucks, truck-tractors, trailers, and semitrailers of a nonresident owner used in certain movement of farm products; and declaring an emergency.

HB 217, By Schulle: Relating to the authority of county commissioners courts to exempt, revoke exemptions, and reinstate exemptions of counties from the provisions of the law governing sale, use, and transportation of herbicides where relating to applicers and custom applicers; and declaring an emergency.

HB 667, By Wyatt: Relating to the compensation of the members and clerk of the Victoria County Juvenile Board; and declaring an emergency.

HB 786, By Christian: Providing for the creation of a hospital district over all of Commissioners Precinct No. 3 of Randall County, Texas; and declaring an emergency.

HB 787, By Haynes, Doyle, C. Parker, et al: Relating to the levying of a student union fee at Lamar State College of Technology; and declaring an emergency.

HB 1175, By Jungmichel: Relating to the abolition of the office of county superintendent in certain counties; and declaring an emergency.

HB 1190, By H. Davis: To eliminate the requirement for a certification on the invoice by the contractor or seller and requiring that such invoice be tendered in accordance with Board of Control rules and regulations; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

HB 730 WITH SENATE AMENDMENTS  
(Continued)

Mr. Atwell moved that the House concur in the Senate amendments to HB 730.

Mrs. Farenthold moved, as a substitute motion, that the House do not concur in the Senate amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Atwell moved to table the substitute motion to not concur in Senate amendments to HB 730.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—88**

Adams	Foreman	Longoria	Sanchez
Allen, John	Garcia	Lovell	Santiesteban
Atwell	Golman	McAlister	Semos
Baker	Hanna, Joe	McKissack	Shannon
Blanton	Hawkins	Mengden	Sherman
Blythe	Hawn	Moncrief	Short
Boyle	Heatly	Moore, A.	Simmons
Braecklein	Hilliard	Moore, G.	Slack
Burgess	Holmes, T.	Murray	Slider
Bynum	Howard	Nabers	Solomon
Calhoun	Hubenak	Newton	Spurlock
Carrillo	Hull	Niland	Stroud
Cates	Ingram	Ogg	Swanson
Cavness	Johnson	Orr	Tarbox
Clayton	Jones, D.	Parker, W.	Traeger
Coats	Jones, E.	Pickens	Tupper
Cobb	Jones, G.	Poerner	Uher
Davis, D.	Kaster	Poff	Von Dohlen
Davis, H.	Kost	Presnal	Wieting
Doran	Lemmon	Price	Williamson
Finnell	Ligarde	Rosson	Wolff
Floyd	Lombardino	Salter	Wyatt

**Nays—55**

Agnich	Cole	Harris	Nugent, J.
Allen, Joe	Craddick	Haynes	Parker, C.
Allred	Cruz	Head	Reed
Angly	Daniel	Hendricks	Rodriguez
Atwood	Doyle	Holmes, Z.	Salem
Bass, B.	Dramberger	Jungmichel	Schulle
Bass, T.	Earthman	Kilpatrick	Silber
Beckham	Farenthold	Kubiak	Smith
Bigham	Finney	Lee	Stewart
Bowers	Gammage	Lewis	Truan
Braun	Grant	Moore, T.	Vale
Caldwell	Graves	Moreno	Ward
Christian	Hale	Nelms	Williams
Clark	Hannah, John	Nichols	

**Present—Not Voting**

**Finck**

**Absent**

**Harding**                      **Patterson**

**Absent-Excused**

**Denton**                      **Neugent, D.**                      **Wayne**

Mr. Edmund Jones moved that consideration of HB 730 with Senate amendments be postponed until a time indefinite.

Mr. Ogg moved to table the motion to postpone.

A record vote was requested.

The motion to table prevailed by the following vote:

**Yeas—109**

Adams	Floyd	Ligarde	Salter
Allen, John	Foreman	Lombardino	Sanchez
Atwell	Garcia	Longoria	Santiesteban
Atwood	Golman	Lovell	Semos
Baker	Hale	McAlister	Shannon
Blanton	Hanna, Joe	McKissack	Sherman
Boyle	Harding	Moncrief	Short
Braecklein	Hawkins	Moore, A.	Silber
Burgess	Hawn	Moore, G.	Simmons
Bynum	Haynes	Murray	Slack
Caldwell	Heatly	Nabers	Slider
Calhoun	Hendricks	Nelms	Smith
Carrillo	Hilliard	Newton	Solomon
Cates	Holmes, T.	Niland	Spurlock
Cavness	Howard	Nugent, J.	Stroud
Clark	Hubenak	Ogg	Swanson
Clayton	Hull	Orr	Tarbox
Coats	Ingram	Parker, C.	Traeger
Cobb	Johnson	Parker, W.	Tupper
Cole	Jones, D.	Patterson	Uher
Cruz	Jones, G.	Pickens	Von Dohlen
Davis, D.	Jungmichel	Poerner	Ward
Davis, H.	Kaster	Poff	Wieting
Doran	Kilpatrick	Presnal	Williams
Doyle	Kost	Price	Williamson
Dramberger	Lemmon	Rosson	Wolff
Finnell	Lewis	Salem	Wyatt
Finney			

**Nays—32**

Agnich	Bowers	Grant	Lee
Allen, Joe	Braun	Graves	Mengden
Allred	Christian	Hannah, John	Moore, T.
Angly	Craddick	Harris	Nichols
Bass, B.	Daniel	Head	Rodriguez
Beckham	Earthman	Holmes, Z.	Schulle
Bigham	Farenthold	Jones, E.	Stewart
Blythe	Gammage	Kubiak	Truan

**Present—Not Voting**

Bass, T.	Moreno	Reed	Vale
Finck			

**Absent-Excused**

Denton	Neugent, D.	Wayne
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Mrs. Farenthold moved to table the motion to concur in Senate amendments to HB 730.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—59

Agnich	Craddick	Haynes	Nugent, J.
Allen, Joe	Cruz	Head	Parker, C.
Allred	Daniel	Hendricks	Patterson
Angly	Doyle	Holmes, Z.	Poff
Atwood	Dramberger	Jones, E.	Reed
Bass, B.	Earthman	Jungmichel	Rodriguez
Bass, T.	Farenthold	Kilpatrick	Salem
Beckham	Finney	Kubiak	Schulle
Bigham	Gammage	Lee	Simmons
Blythe	Grant	Lewis	Stewart
Bowers	Graves	Mengden	Truan
Braun	Hale	Moore, T.	Vale
Caldwell	Hannah, John	Moreno	Ward
Christian	Harding	Nelms	Williams
Clark	Harris	Nichols	

Nays—85

Adams	Foreman	Lovell	Shannon
Allen, John	Garcia	McAlister	Sherman
Atwell	Golman	McKissack	Short
Baker	Hanna, Joe	Moncrief	Silber
Blanton	Hawkins	Moore, A.	Slack
Boyle	Hawn	Moore, G.	Slider
Braecklein	Heatly	Murray	Solomon
Burgess	Hilliard	Nabers	Spurlock
Bynum	Holmes, T.	Newton	Stroud
Calhoun	Howard	Niland	Swanson
Carrillo	Hubenak	Ogg	Tarbox
Cates	Hull	Orr	Traeger
Cavness	Ingram	Parker, W.	Tupper
Clayton	Johnson	Pickens	Uher
Coats	Jones, D.	Poerner	Von Dohlen
Cobb	Jones, G.	Presnal	Wieting
Cole	Kaster	Price	Williamson
Davis, D.	Kost	Rosson	Wolff
Davis, H.	Lemmon	Salter	Wyatt
Doran	Ligarde	Sanchez	
Finnell	Lombardino	Santiesteban	
Floyd	Longoria	Semos	

Present—Not Voting

Finck

Absent

Smith

Absent-Excused

Denton

Neugent, D.

Wayne

The motion to concur in Senate amendments to HB 730 then prevailed by the following vote:

## Yeas—86

Mr. Speaker	Foreman	Lovell	Shannon
Adams	Garcia	McAlister	Sherman
Allen, John	Golman	McKissack	Short
Atwell	Hanna, Joe	Moncrief	Silber
Baker	Hawkins	Moore, A.	Simmons
Blanton	Hawn	Moore, G.	Slack
Boyle	Heatly	Murray	Slider
Braecklein	Hilliard	Nabers	Solomon
Burgess	Holmes, T.	Newton	Spurlock
Bynum	Howard	Niland	Stroud
Calhoun	Hubenak	Ogg	Swanson
Carrillo	Hull	Orr	Tarbox
Cates	Ingram	Parker, W.	Traeger
Cavness	Johnson	Pickens	Tupper
Clayton	Jones, D.	Poerner	Uher
Coats	Jones, G.	Presnal	Von Dohlen
Cobb	Kaster	Price	Wieting
Davis, D.	Kost	Rosson	Williamson
Davis, H.	Lemmon	Salter	Wolff
Doran	Ligarde	Sanchez	Wyatt
Finnell	Lombardino	Santiesteban	
Floyd	Longoria	Semos	

## Nays—60

Agnich	Cole	Harris	Nichols
Allen, Joe	Craddick	Haynes	Nugent, J.
Allred	Cruz	Head	Parker, C.
Angly	Daniel	Hendricks	Patterson
Atwood	Doyle	Holmes, Z.	Poff
Bass, B.	Dramberger	Jones, E.	Reed
Bass, T.	Earthman	Jungmichel	Rodriguez
Beckham	Farenthold	Kilpatrick	Salem
Bigham	Finney	Kubiak	Schulle
Blythe	Gammage	Lee	Smith
Bowers	Grant	Lewis	Stewart
Braun	Graves	Mengden	Truan
Caldwell	Hale	Moore, T.	Vale
Christian	Hannah, John	Moreno	Ward
Clark	Harding	Nelms	Williams

## Present—Not Voting

Finck

## Absent-Excused

Denton                      Neugent, D.                      Wayne

## REASON FOR VOTE

I voted Present—Not Voting on all votes relative to concurrence in Senate amendments to HB 730 because these amendments alter the present

tax on cigars and I am actively engaged in the cigar manufacturing business.

Article 3, Section 22 of the Texas Constitution and House Rule XII, Section 2 prohibit a Member's voting on a bill in which he has a personal interest.

Signed: Bill Finck

REASON FOR VOTE  
May 6, 1971

Due to a long standing commencement speaking engagement at Paul Quinn College, I was not present to vote to concur in Senate amendments to HB 730, however, if I had been present I would have voted "No." My vote would not have changed the outcome.

Signed: Lane Denton

HB 730—TEXT OF SENATE AMENDMENTS

Committee Substitute for HB 730

A bill to be entitled An Act relating to raising revenue for the support of state government; amending Article 20.02, Section (A) of Article 20.021, Section (B) of Article 20.05, and Section (J) of Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, and Subdivision (2), Subsection (K), Section 2, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1066c, Vernon's Texas Civil Statutes), to increase the rate of the Limited Sales, Excise and Use Tax; amending Sections (1) and (3), Article 7.06, Title 122A, as amended, to increase the cigarette tax and provide for allocation of revenue; amending Articles 6.01, 6.03, and 6.04, Title 122A, as amended, to increase the rate of the motor vehicle sales and use tax, provide certain exemptions, redefine certain terms, and provide for taxing rental receipts and leases; amending Article 12.20 and Sections (1) and (2) of Article 12.211, Title 122A, as amended, to increase the corporate franchise tax; amending Articles 8.02 and 8.04, Title 122A, as amended, to more accurately define the base of the tax on cigars and to provide for penalties for late payment of the tax; amending Section (1), Article 9.02 and Article 9.25, Title 122A, as amended, to increase the rate of the motor fuels tax and to provide for the distribution of the motor fuels tax; amending Subsection (4-b), Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes), to amend the allocation of funds in the Omnibus Tax Clearance Fund; amending Section 1, Chapter 301, Acts of the 55th Legislature, Regular Session, 1957 (Article 6673e-1, Vernon's Texas Civil Statutes), to provide that the State Highway Department shall pay for the full cost of right-of-way for federal and state highways; amending Chapter 300, Acts of the 55th Legislature, Regular Session, 1957 (Article 6674w et seq., Vernon's Texas Civil Statutes), to provide for payment of the cost of relocation of certain utility facilities and the cost of certain street improvements; providing for the effect of Public Law 91-156; providing certain exemptions from the additional taxes for certain contracts; providing an effective date; providing for severability; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

## Article 1.

Section 1. Article 20.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 20.02. Imposition of Limited Sales Tax. There is hereby imposed a limited sales tax at the rate of four percent (4%) on the receipts from the sale at retail of all taxable items within this State."

Sec. 2. Section (A), Article 20.021, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(A) Every retailer shall add the sales tax imposed by Article 20.02 of this Chapter to his sale price and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. It is further specified that where tangible personal property is segregated in contemplation of transfer of title or possession and is thereafter to be transported by common carrier from the seller to the buyer, with the price fixed FOB the seller's place of business, and with transportation charges separately stated, the tax herein imposed shall be computed only upon the basis of the charge for the tangible personal property itself, exclusive of the separately stated and independently fixed transportation charges. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
\$ .01 to \$ .12	No Tax
.13 to .37	\$ .01
.38 to .62	.02
.63 to .87	.03
.88 to 1.12	.04

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying four percent (4%) times the amount of the sale. Any fraction of one cent (\$.01) which is less than one half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax equal to one half of one cent (\$.005) or more shall be collected as a whole cent (\$.01) of tax.

"When several taxable items are purchased together and at the same time, the tax shall be computed on the total amount of the several items less the amount paid for any article or item of tangible personal property specifically exempt under the provisions of Article 20.04 of this Chapter.

"The use of tokens or stamps for the purpose of collecting or of enforcing the collection of the tax imposed in this Chapter or for any other purpose in connection with such tax is prohibited."

Sec. 3. Section (B), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(B) Method Retailer Is to Use in Computing Tax. The limited sales tax levied under Article 20.02 shall be computed and paid to the Comp-

troller on the basis of the same percentage rate as is provided in Article 20.02 of this Title, applied to all receipts from the total sales of taxable tangible personal property and taxable services sold by the retailer; provided any retailer who can establish to the satisfaction of the Comptroller that fifty percent (50%) or more of his receipts from the sale of tangible personal property and taxable services arise from individual transactions where the total sales price is twelve cents (12¢) or less may exclude the receipts from such sales when reporting and paying the tax imposed by Article 20.02 of this Chapter. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and refusal to pay the Limited Sales, Excise and Use Tax and the retailer shall be subject to assessment for back taxes, penalties and interest as provided for in this Chapter."

Sec. 4. Section (J), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(J) Commingled Tax and Receipts. Any retailer who establishes an accounting system under which the amount of tax collected pursuant to this Chapter is commingled with the receipts from the sale of taxable items may determine taxable receipts in the following manner:

"(1) He shall subtract from his total receipts the receipts from any sales which are specifically exempt from or otherwise excluded from the tax imposed by this Chapter. The remainder shall consist of the receipts from the sale of taxable items plus the tax collected pursuant to the provisions of this Chapter.

"(2) This remainder shall then be divided by 1.04. The answer resulting shall be the taxable gross receipts of the retailer for reporting purposes as prescribed by Section (B) of this Article.

"The sole purpose of this Section is to permit the widest possible latitude in the internal accounting system of retailers and to avoid requiring certain retailers to remit to the State a tax computed upon a base which already includes the tax imposed by this Chapter. Nothing herein shall be construed to relieve the retailer of the obligation and duty of collecting the tax in the specific manner prescribed by Article 20.021 of this Chapter."

Sec. 5. Subdivision (2), Subsection K, Section 2, Chapter 36, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1066c, Vernon's Texas Civil Statutes), is amended to read as follows:

"(2) When such Limited Sales, Excise and Use Tax imposed by the State of Texas shall be at the rate of four percent (4%) on the receipts from the sale at retail of all taxable items within this State which is subject to such tax, and the Local Sales and Use Tax imposed in any city under authority of this Act shall be at the rate of one percent (1%) on the receipts from the sale of all taxable items within such city which is subject to such tax, the total gross rate of such combined taxes in such city shall be at the rate of five percent (5%) on combined taxes in such

city on the receipts from the sale of all tangible personal property within such city which is subject to such taxes. When the sale price shall involve a fraction of a dollar, the taxes shall be added to the sale price upon the following schedule:

Amount of Sale	Tax
\$ .01 to \$ .09	No Tax
.10 to .29	\$ .01
.30 to .49	.02
.50 to .69	.03
.70 to .89	.04
.90 to 1.09	.05

Provided, that for successive brackets for this schedule in this paragraph, the tax shall be computed by multiplying five percent (5%) times the amount of the sale. Any fraction of one cent (\$.01) which is less than one half of one cent (\$.005) of tax shall not be collected. Any fraction of one cent (\$.01) of tax equal to one half of one cent (\$.005) or more shall be collected as a whole cent (\$.01) of tax.

"Provided, however, that any retailer who can establish to the satisfaction of the Comptroller that fifty percent (50%) or more of his receipts from the sale of tangible personal property and taxable services arise from individual transactions where the total sales price is nine cents (\$.09) or less may exclude the receipts from such sales when reporting and paying the tax imposed under this Act and the Limited Sales, Excise and Use Tax imposed by the State of Texas. No retailer shall avail himself of this provision without prior written approval of the Comptroller. The Comptroller shall grant such approval when he is satisfied that the retailer qualifies on the basis set forth in this Section and when the retailer has submitted satisfactory evidence that he can and will maintain records adequate to substantiate the exclusion herein authorized. Any attempt on the part of any retailer to exercise this provision without prior written approval of the Comptroller shall be deemed to be a failure and refusal to pay the taxes imposed by this Act and the Limited Sales, Excise and Use Tax Act and the retailer shall be subject to assessment for both taxes, penalties and interest as provided for in this Act and the Limited Sales, Excise and Use Tax Act."

#### Article 2.

Section 1. Sections (1) and (2), Article 6.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

"(1) There is hereby levied a tax upon every retail sale of every motor vehicle sold in this State, such tax to be equal to four percent (4%) of the total consideration paid or to be paid for said motor vehicle. In the case of a motor vehicle purchased to be rented or held for rental, the tax is levied on the gross rental receipts of the renting of such motor vehicle at the same rate as that tax levied in Article 20.02 of this title. Provided, however, that where the period for rental is intended to be for more than 31 days, such rental is deemed to be a lease as defined in this Article and the purchaser-lessor must pay the tax on total consideration paid or to be paid for said motor vehicle. The tax on rental receipts shall be collected by the owner from the renter who has exclusive use of the motor vehicle for a period of time and has the right to direct the manner

of use of the vehicle, whether exercised or not, for that period. It is unlawful and shall be a misdemeanor for the owner of the rented motor vehicle to advertise that the tax or any part thereof will be absorbed or assumed by the renter."

"(2) There is hereby levied a use tax upon every motor vehicle purchased at retail sale outside this State and brought into this State for use upon the public highways by any person, firm or corporation who is a resident of this State or who is domiciled or doing business in this State. The tax imposed by this subsection shall be equal to four percent (4%) of the total consideration paid or to be paid for said vehicle at said retail sale. The tax shall be the obligation of and be paid by the person, firm or corporation operating said motor vehicle upon the public highways of this State."

Sec. 2. Article 6.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to add new Sections (6), (7), and (8) to read as follows:

"(6) In the renting of motor vehicles, as that term is defined in this Article, and where the gross rental receipts are subjected to tax in lieu of a tax on the total consideration paid or to be paid for a motor vehicle, the purchaser shall furnish the County Assessor and Collector of Taxes with a resale certificate in accordance with the provisions of Article 6.04 of this Chapter, whereupon the Tax Collector shall accept the motor vehicle for registration or transfer.

"(7) Motor vehicles purchased to be rented or to be held for renting must be purchased by an owner for use in a business where the renting of motor vehicles is an established business. Every motor vehicle used in a business which either rents or leases motor vehicles to others, as those terms are defined in this Article, and for consideration, must have paid the tax on total consideration at the time of purchase of those motor vehicles intended for leasing or must be collecting and paying the gross rentals receipts tax on renting those motor vehicles. Any motor vehicle leased in this state and owned by the original manufacturer must be registered in this state and taxed in accordance with the provisions of this Article. If a person engages in both renting and leasing of motor vehicles, he shall keep complete and adequate records, segregating or enabling the segregation of both types of transactions."

"(8) When the owner of a motor vehicle changes the status of the motor vehicle from a rental unit to a lease unit, the owner shall so inform the State Comptroller of Public Accounts of such change on a form to be supplied by the Comptroller, and the owner shall then pay the tax on such motor vehicle based on the owner's book value and at the rate provided in this Article."

Sec. 3. Section (B) of Article 6.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(B) Retail Sale. The term 'retail sale' as herein used shall include all sales of motor vehicles except those whereby the purchaser acquires a motor vehicle for the exclusive purpose of resale and not for use and shall not include those operated under and in accordance with the terms of Article 6686, Revised Civil Statutes of Texas, 1925, as amended. The

term 'retail sale' also shall include rentals the gross receipts from which are subject to the tax imposed by this Chapter, and purchases used or to be held for in such rentals shall be considered purchases for resale."

Section 4. Section (C) of Article 6.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(C) Motor Vehicle. The term (motor vehicle) as herein used shall mean every self-propelled vehicle in or by which any person or property is or may be transported upon a public highway, including trailers and semitrailers, and also including house trailers as such term is defined by the Certificate of Title Act. It shall not mean any device moved only by human power or used exclusively upon stationary rails or tracts and shall not include farm machinery or farm trailers or road building machinery or any self-propelled vehicle used exclusively to move any of the three (3) immediately preceding vehicles."

Sec. 5. Section (D), Article 6.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a Subsection (3) to read as follows:

"(3) Any person purchasing motor vehicles for resale at retail who has obtained a certificate of title to a motor vehicle which he uses for personal or business purposes may deduct the fair market value of such vehicle from the 'total consideration' when such person purchases another motor vehicle upon which he obtains a certificate of title as a substitute vehicle for personal or business use and the original vehicle is offered for sale at retail."

Sec. 6. Article 6.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, is amended by adding new Sections (E) and (F) to read as follows:

"(E) Rental or Renting. Those terms as herein used shall mean the agreeing by the owner to give exclusive use of a motor vehicle to another for a consideration and for a period of time not to exceed 31 days under any one agreement.

"(F) Lease or Leasing. Those terms as herein used shall mean the agreeing by the owner to give exclusive use of a motor vehicle to another for a consideration and for a period of time exceeding 31 days under such agreement."

Sec. 7. Article 6.04, Title 122A, Taxation-General, Revised Civil Statutes, 1925, as amended, is amended to read as follows:

"Art. 6.04 Collection of Taxes

"The taxes on total consideration paid or to be paid levied in this Chapter shall be collected by the Assessor and Collector of Taxes of the county in which any such motor vehicle is first registered or first transferred after such a sale; the Tax Collector shall refuse to accept for registration or for transfer any motor vehicle until the tax thereon is paid or he is furnished with a resale certificate in accordance with Art. 6.01 (6) of this Chapter.



"The taxes on gross rental receipts levied in this Chapter shall be reported and paid to the State Comptroller of Public Accounts in the same manner that the Limited Sales, Excise and Use Taxes of this State are reported and paid by retailers under Chapter 20, Art. 20.05. Motor vehicle owners required to collect, report and pay the taxes on gross rental receipts imposed by this Chapter shall register as sellers with the State Comptroller of Public Accounts and obtain from him a Motor Vehicle Retail Seller's Permit in the same manner as required under the Limited Sales, Excise and Use Tax laws of this State, Art. 20.031 of this title.

"When a tax becomes due on a motor vehicle purchased outside of this State and brought into this State for use upon the highways the person, firm or corporation operating said motor vehicle upon the public highways of this State shall pay the tax imposed by Art. 6.01(2) to the Tax Collector of the county in which such motor vehicle is to be registered. The tax shall be paid at the time application is made for registration of said motor vehicle, and the Tax Collector shall refuse to issue the registration license until the tax is paid or he is furnished with a resale certificate in accordance with Art. 6.01(6) of this Chapter."

#### Article 3.

Section 1. Article 12.20, of Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 12.20 Additional Franchise Tax for the Period Ending April 30, 1972

"(1) In addition to all other taxes, there is hereby levied on all corporations paying a franchise tax under the provisions of this Chapter for the preceding fiscal year as shown in the report required to be filed with the Comptroller of Public Accounts between January 1 and May 1, 1971 (or the initial or first year report required to be filed with the Comptroller of Public Accounts), under the provisions of this Chapter an additional franchise tax for the privilege of doing business in Texas in corporate form for the period beginning on the effective date of this Act, and ending April 30, 1972.

"(2) The additional franchise tax levied by this Article shall be computed by multiplying the franchise tax due and payable under the provisions of Article 12.01, except Section (1)(a)(ii), and Article 12.19 by 45.45 percent.

"(3) The additional franchise tax levied by this Article shall be paid to the Comptroller of Public Accounts within thirty (30) days after the effective date of this Act. If any corporation fails to pay the additional tax levied by this Article within thirty (30) days after the effective date of this Act, the right of such corporation to do business in this State shall be forfeited on April 1, 1972, which forfeiture shall be consummated without judicial ascertainment by the Comptroller of Public Accounts in the same manner as provided for forfeiture in this Chapter, and provided further that such defaulting corporation shall be subject to the same penalties, liens and conditions as provided in this Chapter.

"(4) The Comptroller of Public Accounts shall have the right to make

and promulgate rules and regulations and to prescribe and mail forms and notices necessary for the efficient and effective administration of the additional franchise tax levied by this Article.

"(5) The additional franchise tax levied by this Article shall expire on April 30, 1972."

Sec. 2. Sections (1) and (2), Article 12.211, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

"(1) In addition to the franchise tax due and payable under Article 12.01 of this Chapter, there is hereby levied on all corporations paying a franchise tax under the provisions of Article 12.01 of this Chapter an additional franchise tax for the privilege of doing business in Texas in corporate form from and after May 1, 1972, which additional franchise tax shall be computed by multiplying the tax due and payable under Article 12.01, except Section (1)(a)(ii), of this Chapter for the aforesaid periods by 54.54 percent.

"(2) Corporations eligible to and electing to compute the franchise tax for which they are liable under the provisions of Article 12.19 of this Chapter shall, for the privilege of doing business in Texas in corporate form from and after May 1, 1972, pay an additional franchise tax in accordance with the following schedule:

"If Total Assets Are at Least	But Less Than	The Tax Shall Be
\$ 0.00	\$ 15,000.00	\$ 20.00
15,000.00	20,000.00	25.00
20,000.00	25,000.00	30.00
25,000.00	30,000.00	35.00
30,000.00	40,000.00	50.00
40,000.00	50,000.00	60.00
50,000.00	60,000.00	75.00
60,000.00	70,000.00	90.00
70,000.00	80,000.00	100.00
80,000.00	90,000.00	115.00
90,000.00	100,000.00	130.00
100,000.00	110,000.00	145.00
110,000.00	120,000.00	160.00
120,000.00	130,000.00	170.00
130,000.00	140,000.00	185.00
140,000.00	150,000.00	200.00"

#### Article 4.

Section 1. Sections (1) and (3), Article 7.06, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

"(1) In addition to the tax levied by Article 7.02 herein, there is hereby imposed a tax of Seven Dollars and Twenty-five Cents (\$7.25) per thousand

on cigarettes weighing not more than three (3) pounds per thousand and Seven Dollars and Twenty-five Cents (\$7.25) per thousand on those weighing more than three (3) pounds per thousand on all cigarettes used or otherwise disposed of in this State for any purpose whatsoever. The tax shall be paid only once by the person making the 'first sale' in this State and shall become due and payable as soon as such cigarettes are subject to a 'first sale' in Texas, it being intended to impose the tax as soon as such cigarettes are received by any person in Texas for the purpose of making a 'first sale' of same. No person, however, shall be required to pay a tax on cigarettes brought into this State on or about his person in quantities of forty (40) cigarettes or less when such cigarettes have had the individual packages or the seals thereof broken and when such cigarettes are actually used by said person and not sold or offered for sale."

"(3) The net revenue derived from the tax levied under this Article shall be allocated as follows:

"(a) Fifty cents of the tax levied under this Article on each 1,000 cigarettes shall be credited to a new special fund known as the Texas Parks Fund which may be used by the Parks and Wildlife Department for the acquisition, planning, and development of state parks and historic sites. Provided, no portion of the revenues allocated under this subsection shall be set aside to any fund for the administration and enforcement of the cigarette tax law of this State. Provided, further, the revenues allocated under this subsection may be credited daily to the Omnibus Clearance Fund hereafter referred to in this Act and on the first day of each month following the collection of the revenues allocated under this subsection, the said revenues shall be credited to the Texas Parks Fund, except that the revenues allocated under this subsection during the month of August of each year shall be credited to the Texas Parks Fund on the thirty-first day of August of each year; it being specifically understood that no portion of the said revenues allocated under this subsection shall remain or be distributed under the provisions governing the said Clearance Fund.

"(b) The remaining net revenue derived from the tax levied under this Article after allocating the amount specified in Subsection (a) of this Section shall be credited to the General Fund of this State. Provided, no portion of the revenues allocated under this subsection shall be set aside to any fund for the administration and enforcement of the cigarette tax law of this State. Provided, further, the revenues allocated under this subsection may be credited daily to the Omnibus Clearance Fund hereafter referred to in this Act and on the first day of each month following the collection of the revenues allocated under this subsection, the said revenues shall be credited to the General Fund, except that the revenues allocated under this subsection during the month of August of each year shall be credited to the General Fund on the thirty-first day of August of each year; it being specifically understood that no portion of the said revenues allocated under this subsection shall remain or be distributed under the provisions governing the said Clearance Fund."

#### Article 5.

Section 1. Section (1), Article 9.02, Title 122A, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"(1) There shall be and is hereby levied and imposed (except as hereinafter provided) upon the first sale, distribution, or use of motor fuel

in this State an excise tax of seven cents (7¢) per gallon or fractional part thereof so sold, distributed, or used in this State. Every distributor who makes a first sale or distribution of motor fuel in this State for any purpose whatsoever shall, at the time of such sale or distribution, collect the said tax from the purchaser or recipient of said motor fuel, in addition to his selling price, and shall report and pay to the State of Texas the taxes collected at the time and in the manner as hereinafter provided. Every such distributor shall also be liable to the State of Texas for the said tax of seven cents (7¢) per gallon on each gallon of motor fuel or fractional part thereof used or consumed by him, and shall report and pay said tax as hereinafter provided. In each subsequent sale or distribution of motor fuel upon which the tax of seven cents (7¢) per gallon has been collected, the said tax shall be added to the selling price, so that such tax is paid ultimately by the person using or consuming said motor fuel for the purpose of generating power for the propulsion of any motor vehicle upon the public highways of this State.

"It is the intent and purpose of this Article to collect the tax levied herein at the source of said motor fuel in Texas or as soon thereafter as the same may be subject to being taxed. No person, however, shall be required to pay a tax on motor fuel brought into this State in a quantity of thirty (30) gallons or less in a fuel tank, with a capacity of not more than thirty (30) gallons, when said fuel is connected with and feeds the carburetor of said motor vehicle and the motor fuel contained therein is used in the operation of said motor vehicle and not otherwise."

Section 2. Article 9.25, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 9.25 Enforcement Fund, Allocation of Revenue

"Before any diversion or allocation of the motor fuel tax collected under the provisions of this Chapter is made, one percent (1%) of the gross amount of said tax shall be set aside in the State Treasury in a special fund, subject to the use of the Comptroller in the administration and enforcement of the provisions of this Chapter, and so much of said proceeds of one percent (1%) of the motor fuel tax paid monthly as may be needed in such administration and enforcement be and is hereby appropriated for said purpose. Any unexpended portion of said fund so specified shall, at the end of each fiscal year, revert (1) to the Highway Motor Fuel Tax Fund, and (2) to the funds prescribed in Section (6a) of Article 9.13, as provided in this Chapter, in proportion to the amounts originally derived from such respective sources. The same shall then be allocated as provided in Article 9.13 of this Chapter and Section (6a) thereof, and in this Article 9.25, in the proportions above prescribed.

"Each month the Comptroller of Public Accounts, after making all deductions for exempt refund purposes and for the funds derived from 'unclaimed refunds' as provided in Article 9.13 of this Chapter, and for the enforcement of the provisions of this Chapter, shall allocate and deposit the net remainder of the taxes collected under the provisions of this Chapter, as follows: one-fourth ( $\frac{1}{4}$ ) of such tax shall go to and be placed to the credit of the Available Free School Fund; one-half ( $\frac{1}{2}$ ) of such tax shall go to and be placed to the credit of the State Highway Fund for the construction and maintenance of the State Road System under existing laws; and from the remaining one-fourth ( $\frac{1}{4}$ ) of such tax the

Comptroller shall: (1) place to the credit of the County and Road District Highway Fund an amount determined by the Board of County and District Road Indebtedness and certified by the Board to the Comptroller of Public Accounts prior to August 31st of each year, for the fiscal year beginning September 1st each year, to be required in addition to any and all funds already on hand, for the payment by the Board of the principal, interest and sinking fund requirements for each year, on all bonds, warrants or other legal evidences of indebtedness heretofore issued by counties or defined road districts of this state, which mature on or after January 1, 1933, insofar as amounts of same were issued for and proceeds have been actually expended in the construction of roads that constituted and comprised a part of the system of designated state highways on September 17, 1932, or which subsequent to such date and prior to January 2, 1939, have been designated a part of the System of State Highways and declared by the Board of County and District Road Indebtedness prior to January 2, 1945, to be eligible to participate in the distribution of the moneys in the County and Road District Highway Fund under the provisions of existing laws; (2) for the fiscal year beginning September 1, 1951, and each fiscal year thereafter, the Comptroller shall place to the credit of the fund known as the County and Road District Highway Fund the sum of Seven Million, Three Hundred Thousand Dollars (\$7,300,000.00), said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum shall be allocated by the Board of County and District Road Indebtedness to all of the counties of Texas not later than September 15th of each year, through the Lateral Road Account, as provided under Subsection (h) of Section 6 of Chapter 324 of the General and Special Laws of the 48th Legislature, Regular Session, 1943, as amended by Section 1 of Chapter 319, Acts of the 50th Legislature, 1947; and (3) the Comptroller shall place to the credit of the State Highway Fund the remainder of such one-fourth ( $\frac{1}{4}$ ) of such tax, said amount to be provided on the basis of equal monthly payments, payable on the first day of each calendar month, which sum shall be used by the State Highway Department for the construction, improvement, and maintenance of Farm-to-Market Roads having the same general characteristics as the roads eligible for construction under Subsection (4-b) of Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended.

"All receipts due the Available School Fund which are in the Highway Motor Fuel Tax Fund on August 31st of each fiscal year shall be credited to the Available School Fund on August 31st of each fiscal year."

Sec. 3. Subsection (4-b), Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes), is amended to read as follows:

"(4-b) The State Highway Department shall use the funds made available to it so that not less than Twenty-three Million Dollars (\$23,000,000.00) per year shall be used for the construction of additional miles of newly designated Farm-to-Market Roads, meaning roads in rural areas including feeder roads, secondary roads, school bus routes, rural mail routes, milk routes, etc., and not a part of the designated State Highway System or the designated Primary Federal Aid Highway System.

"These funds shall be expended on a system of roads selected by the State Highway Department after consultation with the County Commis-

sioners Courts of the counties of Texas relative to the most needed unimproved rural roads in the counties involved. The selections shall be made in a manner to insure equitable and judicious distribution of funds and work among the several counties of the state.

"The general characteristics of the roads to be selected are as follows:

"a. The roads shall not be potential additions to the Federal Aid Primary Highway System;

"b. The roads shall serve rural areas primarily and shall connect farms, ranches, rural homes and sources of natural resources such as oil, mines, timber, etc., and/or water loading points, schools, churches and points of public congregation, including community developments and villages;

"c. The roads shall be capable of assisting in the creation of economic values in the areas served;

"d. The roads shall preferably serve as public school bus routes, or rural free delivery postal routes, or both;

"e. The roads shall be capable of early integration with the previously improved Texas Road System and at least one end should connect with a road already or soon to be improved on the State System of Roads."

Sec. 4. Section 1, Chapter 301, Acts of the 55th Legislature, Regular Session, 1957 (Article 6673e-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The Texas Highway Department is authorized and directed to acquire by purchase, gift or condemnation all right-of-way necessary for designated United States or State Highways and for the National System of Interstate and Defense Highways."

Sec. 5. Chapter 300, Acts of the 55th Legislature, Regular Session, 1957 (Article 6674w et seq., Vernon's Texas Civil Statutes), is amended by adding a Section 4B to read as follows:

"Section 4B. (1) Whenever the relocation of any municipally-owned or operated utility facilities is necessitated by the improvement of any designated United States or State Highway in this State, including extensions thereof within urban areas, such relocation shall be made by the utility at the cost and expense of the State of Texas. Reimbursement of the cost of relocation of such facilities shall be made from the State Highway Fund to the utility owning such facilities, anything contained in any other provision of law or in any permit, or agreement or franchise issued or entered into by any department, commission or political subdivision of this State to the contrary notwithstanding. The term 'municipally-owned utility' means a utility owned by an incorporated city or town, engaged in furnishing electric, gas, heating, water, storm sewer, sanitary sewer or pipeline service. The term 'cost of relocation' includes the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility. It is further provided that by agreement with the affected utility the State Highway Department may relocate such utility facility in accordance with the provisions hereof.

"(2) All curb, gutter, and drainage costs necessitated by the construction and improvement of any designated United States or State Highway, including extension thereof within urban areas, shall be at the expense of the State of Texas, to be paid from the State Highway Fund."

Article 6.

Section 1. Article 8.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 8.02 Tax Levy and Rate

"There is hereby levied a tax upon the 'first sale' of cigars and tobacco products as those terms are defined herein, which tax shall be determined by the following schedule:

"(a) Upon cigars of all description weighing not more than three (3) pounds per one thousand (1,000), one cent (1¢) for each ten (10) cigars or fraction thereof.

"(b) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price, exclusive of any trade discount, special discount, or deals for not more than three and three-tenths cents (3.3¢) each, seven dollars and fifty cents (\$7.50) per one thousand (1,000).

"(c) (1) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price, exclusive of any trade discount, special discount, or deals for over three and three-tenths cents (3.3¢) each, containing no substantial amount of nontobacco ingredients, having a factory list price of less than one hundred seventy dollars (\$170) per thousand (1,000), twelve dollars (\$12) per thousand (1,000).

"(2) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price exclusive of any trade discount, special discount, or deals for over three and three-tenths cents (3.3¢) each, containing no substantial amount of nontobacco ingredients, having a factory list price of one hundred seventy dollars (\$170) or more per thousand (1,000), fifteen dollars (\$15) per thousand (1,000).

"(3) Upon cigars of all description weighing more than three (3) pounds per one thousand (1,000) sold at factory list price exclusive of any trade discount, special discount, or deals for over three and three-tenths cents (3.3¢) each, containing a substantial amount of nontobacco ingredients, fifteen dollars (\$15) per thousand (1,000).

"(4) All cigars described in this Paragraph (c) are presumed to contain a substantial amount of nontobacco ingredients unless the report to the Comptroller made for the purpose of establishing the tax upon such cigars is accompanied by an affidavit, by the manufacturer when the manufacturer prepares such report or by both the manufacturer and the distributor, when the distributor prepares such report, stating that specific cigars described in such report contain no sheet wrapper, sheet binder, or sheet filler.

"(d) Upon all chewing tobacco and all smoking tobacco including granulated, plug-cut, crimp-cut, ready-rubbed, and other kinds and forms of

tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette: the tax shall be twenty-five percent (25%) of the factory list price, exclusive of any trade discount, special discount, or deals."

Sec. 2. Article 8.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

**"Article 8.04 Report to be Filed with Comptroller**

"On or before the tenth day of each calendar month every distributor shall file with the Comptroller in Austin, Travis County, Texas, on a form prescribed by the Comptroller, a report covering the preceding month which shall show such information as the Comptroller may require of cigars and tobacco products handled by said distributor during the preceding month including all such products purchased, received, acquired or ordered, all such products sold, distributed, used, lost or otherwise disposed of, all such products on hand at the beginning and end of said month, and such other information pertinent to cigars and tobacco products handled and the taxes due on said products as the Comptroller may require.

"The distributor shall, at the time of making said report, pay to the State of Texas at the office of the Comptroller the taxes levied herein upon all cigars and tobacco products sold, used or otherwise disposed of by him during the preceding month, which said tax payment shall be in legal tender or in proper form of money order or exchange made payable to the State Treasurer.

"If any distributor shall fail to file such report and pay tax as required by this Chapter, where some shall be due, he shall forfeit five percent (5%) of the amount of tax due as a penalty, and after the first thirty (30) days, he shall forfeit an additional five percent (5%) of such tax. Provided, however, that the penalty shall never be less than One Dollar (\$1). Delinquent taxes shall draw interest at the rate of six percent (6%) per annum beginning sixty (60) days from the date due. Venue for the collection of such penalties by suit shall be in Travis County, Texas."

**Article 7.**

Section 1. The passage of Public Law 91-156 by the Congress of the United States shall not operate to impose or permit imposition of any additional tax or taxes upon the institutions affected thereby unless:

(a) The tax or taxes were being imposed prior to January 1, 1971, or

(b) Such institutions are specifically designated as being subject to such additional tax or taxes other than the limited sales and use tax by an Act of the Legislature passed subsequent to the effective date of Public Law 91-156.

**Article 8.**

Section 23, Article II, Texas Liquor Control Act, as amended (Article 667-23, Vernon's Texas Penal Code), is amended to read as follows:

"Section 23. There is hereby levied and assessed a tax at the rate of



Six Dollars (\$6) per barrel on the first sale of all beer manufactured in Texas and on the importation of all beer imported into this State."

#### Article 9.

Section 1. (a) There are exempted from the three-fourths of one percent increase in the Limited Sales, Excise and Use Tax imposed by this Act the receipts from the sale, use, or rental, and the storage, use or consumption in this State of taxable items, if:

(1) the items are used for the performance of a written contract entered into prior to the effective date of this Act, if the contract is not subject to change or modification by reason of the tax; or the items are used pursuant to an obligation of a bid or bids submitted prior to the effective date of this Act, if the bid or bids may not be withdrawn, modified, or changed by reason of the tax imposed by this Act; and

(b) The exemptions provided by this section have no effect after two years following the effective date of this Act.

Section 2. This Act takes effect on July 1, 1971, on the condition that it is passed by a vote of at least two-thirds of all Members elected to each House as required by Section 39, Article III, Constitution of the State of Texas. Otherwise, this Act takes effect on September 1, 1971.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force as provided by Section 2 of this article, and it is so enacted.

Amend Article 9, Section 1, Subsection (b), of the Committee Substitute for HB 730, Atwell, on page 23, at line 13, by striking out completely line 13, and by substituting the following words:

"... after three years following the effective date of this Act."

Amend the Senate Committee Substitute to HB 730 by adding an Article 5A to read as follows:

#### Article 5A.

Section 1. Section (1), Article 10.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(1) There shall be and is hereby levied and imposed (except as hereinafter provided) upon the first sale, distribution, or use of diesel fuel in this State an excise tax of seven cents (7¢) per gallon, or fractional part

thereof so sold, distributed or used in this State. Upon each subsequent sale or distribution of diesel fuel for the propulsion of motor vehicles upon the public highways, on which the tax has been collected, the said tax shall be added to the selling price so that such tax is paid ultimately by the person using or consuming said diesel fuel for the propulsion of motor vehicles upon the public highways of this State."

#### MESSAGE FROM THE SENATE

Austin, Texas, May 6, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 135, By Clark, Shannon: Congratulating Harry S. Truman on his 87th birthday.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

(Mr. Hale in the Chair)

#### CONSIDERATION OF BILLS ON THE LOCAL AND CONSENT CALENDAR—(continued)

##### HB 1206 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1206, Prescribing compensation for certain county and district officials in certain counties.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

##### Committee Amendment No. 1

Amend HB 1206, First Printing, by striking the semicolon following the word "year" on line 22 and substituting a period and quotation mark and striking the remainder of the quoted Section 2H.

The committee amendment was adopted without objection.

Mr. Doran offered the following amendment to the bill:

Amend HB 1206 by striking the figures 3,700 and 3,800 and substituting in lieu thereof the figures: 3,850 and 3,890 respectively.

The amendment was adopted without objection.

HB 1206, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1206.

## HB 1601 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1601, Relating to the compensation of the official shorthand reporters for the 36th and 156th Judicial Districts.

The bill was read second time and was passed to engrossment.

## VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1601.

## HB 1339 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1339, Creating and establishing a conservation and reclamation district to be known as Cibolo Creek Municipal Authority.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

## Committee Amendment No. 1

Amend HB 1339 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Bexar, Comal and Guadalupe Counties, Texas, to be known as Cibolo Creek Municipal Authority, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be

benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas; that said District is created to serve a public use and benefit and that no confirmation election or exclusion hearing shall be required.

Section 4. The District shall comprise all of the territory contained within the following described area:

Beginning in Guadalupe County, Texas at the point of intersection of the southern right-of-way line of Interstate Highway 35 and the northeastern line of Survey No. 514 Jacob DeCardova, Abstract 117 in Guadalupe County and Abstract 134 in Comal County; the northeastern line of Survey 514 also being the southwestern line of the R. Martin and J. F. Walker Survey, Abstract 244 in Guadalupe County and Abstract 414 in Comal County;

Thence, in a southeasterly direction along the northeastern line of Survey No. 514 Jacob DeCardova Abstract 117 in Guadalupe County, a distance of approximately 3,000 feet to the most eastern corner of said Survey 514, also being the most southern corner of the R. Martin and J. F. Walker Survey Abstract 244 and a point on the northwestern line of the Gustavus Bunson Survey, Abstract 72;

Thence, in a northeasterly direction along the northwestern line of the Gustavus Bunson Survey a distance of approximately 1,400 feet to a corner;

Thence, in a southeasterly direction crossing the Gustavus Bunson Survey in a direction perpendicular to its northwestern line, a distance of approximately 1200 feet to a southeastern line of the Bunson Survey;

Thence, in a southwesterly direction following the southeastern line of the Bunson Survey and the northwestern line of Survey 406, B. Cannon, Abstract 95, a distance of approximately 500 feet to a corner;

Thence, in a southeasterly direction along the common property line between the 66 acre Herman V. Hoffman tract and the W. E. Dean tract, a distance of approximately 1100 feet to a point on the northwestern line of Survey No. 263, James Jones, Abstract 94;

Thence, in a northeasterly direction along the northwestern line of Survey No. 263, James Jones, a distance of approximately 1,800 feet to a corner;

Thence, in a southeasterly direction following the common property line between the W. E. Dean 228.5 acre tract and the Paul G. Silber, Jr., 65 acre tract and also along the northeastern line of the 80 acre Charles Orth tract, a distance of approximately 3,400 feet to a point on the northwestern line of Survey No. 94, Trinidad Garia, Abstract 137 and the southeastern line of Survey No. 263, James Jones;

Thence, in a southwesterly direction along the northwestern line of Survey No. 94, Trinidad Garia, a distance of approximately 2,000 feet to the most western corner of Survey No. 94, Trinidad Garia and the most southern corner of Survey No. 263, James Jones;

Thence, in a southeasterly direction along the northeastern line of the Mathias Lindenburg Survey, Abstract 215, a distance of approximately 2,100 feet to an interior corner of the Mathias Lindenburg Survey and a southwest corner of Survey No. 94, Trinidad Garia;

Thence, in a southwesterly direction crossing the Mathias Lindenburg Survey along the common property line between the C. L. Worthy, Jr., 75 acre tract and the Louis Borgfeld estate 175 acres a distance of approximately 1,400 feet to a point on the southwestern line of the Lindenburg Survey;

Thence, in a southeasterly direction along the southwestern line of the said Lindenburg Survey and along the northeastern line of the Doroteo Hernandez Survey No. 76, a distance of approximately 1,000 feet to a point on the northwestern line of the Simon Cockrill Survey No. 77, Abstract 96;

Thence, in a southwesterly direction along the northwestern line of said Survey No. 77 and along the southeastern line of the Hernandez Survey No. 76, a distance of approximately 3,600 feet to a point on the southeastern line of the Hernandez Survey and a point on the northwestern line of the Genobera Malpaz Survey No. 67, Abstract 221;

Thence, in a southeasterly direction parallel to and 850 feet southwest of the northeastern line of the said Malpaz Survey No. 67, a distance of approximately 5,300 feet to a point in the center of the Dietz Creek;

Thence, down the center of the Dietz Creek with its meanders, crossing the Southern Pacific Railway Company right-of-way, crossing FM Highway 78 and continuing along the center of the Dietz Creek to a point in the center of the Cibolo Creek;

Thence, down the center of the Cibolo Creek with its meanders a distance of approximately 1,000 feet to a point on the northeastern line of the said Malpaz Survey No. 67;

Thence, in a southeasterly direction following the northeastern line of the Malpaz Survey No. 67, passing the most eastern corner of Survey No. 67 and continuing along the same line for a total distance of approximately 7,700 feet to a point on the northeastern line of the William Bracken Survey No. 74, Abstract 43;

Thence, in a northeasterly direction following the southeastern line of the Bruno Schulz 94.62 acre tract and along the northwestern line of the Herbert G. Weyel 120.7 acre tract, a distance of approximately 1,400 feet to a point in the center of the Cibolo Creek;

Thence, down the center of the Cibolo Creek with meanders a distance of approximately 4,700 feet to a corner;

Thence, in a southwesterly direction crossing a 22.4 acre tract in Bexar County, Texas and crossing the northeastern line of the Julian Diaz Survey, Abstract 187 in Bexar County and continuing on along the northwestern right-of-way line of the lower Seguin Road a distance of approximately 4,800 feet to a turn in the road;

Thence, in a westerly direction continuing along the northern right-of-way line of the lower Seguin Road a distance of approximately 2,700 feet to a point on the northern line of the Julian Diaz Survey, Abstract 187 in Bexar County, Texas; said point also being on the southern line of Survey No. 75, Miles S. Bennett Abstract 61;

Thence, along the northern line of the Julian Diaz Survey a distance of approximately 3,600 feet to the most western corner of the Julian Diaz Survey and an interior corner of the Jeronimo Leal Survey No. 79, Abstract 424, Bexar County, Texas;

Thence, in a northwesterly direction following the northern right-of-way line of the lower Seguin Road, a distance of approximately 500 feet to a turn in said road, said turn also being on the southern line of a 100.7 acre tract in the name of Jewel Lucas;

Thence, continuing along the northern right-of-way of the lower Seguin Road at a distance of approximately 7,200 feet crossing the southwestern line of Survey 79, Jeronimo Leal and at a total distance of approximately 8,100 feet to a corner on the western line of the J. P. Hector Survey, Abstract 1147 Bexar County, Texas; said point also being on the northeastern line of the Richard Mockett Survey No. 316, Abstract 497;

Thence, in a northwesterly direction along the northeastern line of Survey 316, Richard Mockett and along the southwestern line of the J. P. Hector Survey Abstract 1147, a distance of approximately 2,000 feet to a point on the northeastern line of the John C. Neal Survey No. 82, Abstract 549;

Thence, in a southwesterly direction along the northern right-of-way of a public road a distance of approximately 1,000 feet to a corner;

Thence, in a northwesterly direction along the northeastern right-of-way line of a public road a distance of approximately 1,000 feet to a point on the common property line between Randolph Air Force Base and the Amanda Siebold 52.399 acre tract;

Thence, in a westerly direction along the southern boundary line of Randolph Field and the northern boundary line of the said Amanda Siebold 52.399 acre tract a distance of approximately 1,600 feet to a point on the northeastern right-of-way line of FM Highway 1604;

Thence, in a northwesterly direction following the northeastern right-of-way line of FM Highway 1604, a distance of approximately 6,300 feet to the point where the northwestern boundary of Randolph Field property intersects the northeastern right-of-way line of FM Highway 1604;

Thence, in a northerly and northeasterly direction following the northwestern perimeter of Randolph Field, a distance of approximately 4,100 feet to a point on the southern right-of-way line of FM Highway 78;

Thence, in a northwesterly direction crossing FM Highway 78 and the Southern Pacific Railroad right-of-way, along the southwestern line of Universal Parkview Subdivision and along the southwestern line of Northview Park Subdivision both being in the City of Universal City, Texas

and continuing along this line a distance of approximately 4,900 feet to a point on the northwestern right-of-way line of Selma Road in the City of Universal City, Texas;

Thence, in a northeasterly direction along the northwestern right-of-way line of Selma Road, a distance of approximately 700 feet to a corner;

Thence, in a northwesterly direction along the southwestern right-of-way line of Selma Road, a distance of approximately 590 feet to the southeast corner of Lot 11, Block 2, Rose Garden Estate Subdivision Unit 1;

Thence, in a southwesterly direction along the southeastern line of Block 2, Rose Garden Estate Subdivision Unit 1, a distance of 469.81 feet to the most southern corner of Lot 8, Block 2, Rose Garden Estate Subdivision Unit 1;

Thence, in a northwesterly direction along the common boundary line between Lot 8 and Lot 7, Block 2, Rose Garden Estate Subdivision Unit 1, a distance of 184 feet to the most western corner of the said Lot 8;

Thence, in a northwesterly direction crossing Kimberley Drive, a distance of approximately 90 feet to a point on the northwestern right-of-way of Kimberley Drive opposite the center line of a 16 foot wide utility easement;

Thence, in a northwesterly direction along the center line of said utility easement, a distance of approximately 530 feet to a point opposite the southwest corner of Lot 10 and the southeast corner of Lot 9, Block 3 of the Rose Garden Estate Subdivision Unit 2;

Thence, in a northwesterly direction along the common line between the said Lot 9 and 10, a distance of 123 feet to a point on the southern right-of-way line of Sherry Drive;

Thence, in a northwesterly direction crossing Sherry Drive, a distance of approximately 80 feet to the most eastern corner of Lot 10 and the southwest corner of Lot 11, both in Block 4, Rose Garden Estate Subdivision Unit 2;

Thence, in a northwesterly direction following the common line between the said Lots 10 and 11, Block 4, a distance of 132.8 feet to the most northern corner of the said Lot 10 and to the most western corner of Lot 11;

Thence, in a southwesterly direction along the northwestern side of the said Block 4, a distance of approximately 1,180 feet to a point on the northeastern right-of-way line of State Highway 218 (Pat Booker Road);

Thence, in a northwesterly direction following the northeastern right-of-way line of State Highway 218, crossing the northeastern right-of-way line of FM Highway 1604, a distance of approximately 6,700 feet to a point on the northeastern line of the Francisco Villarreal Survey, Abstract 776 in Bexar County, Texas; this point lies within the right-of-way of FM Highway 1604 and is also on the southwestern line of Survey 310, J. Vasquez, Abstract 777;

Thence, in a northwesterly direction following the northeastern line of the Francisco Villarreal Survey and the southwestern line of the J. Vas-

quez Survey No. 310, a distance of approximately 4,400 feet to the most northern corner of the Francisco Villarreal Survey and the most western corner of Survey No. 310, J. Vasquez;

Thence, in a southwesterly direction following the northwestern line of the Francisco Villarreal Survey and the southeastern line of Survey No. 276, Jose M. Martinez, Abstract 500, a distance of approximately 1,400 feet to the most southern corner of Survey No. 276, Jose M. Martinez;

Thence, in a northwesterly direction following the southwestern line of the said Survey No. 276, and the northeastern line of Survey No. 279, Jose Maria Ocon, Abstract 864, a distance of approximately 2,000 feet to a corner;

Thence, in a southwesterly direction following the common boundary line between the Boysville, Inc. tract and the Joseph Carmack trustee 70 acre tract a distance of approximately 3,400 feet to the most southern corner of the Carmack tract, the most western corner of Boysville, Inc. tract and a point on the Harold A. Kraft 88.15 acre tract;

Thence, in a northwesterly direction following the northeastern boundary line of the Harold A. Kraft 88.15 acre tract, crossing the right-of-way of the Missouri-Kansas-Texas Railroad Company, a total distance of approximately 2,400 feet to a point on the northwestern line of Survey No. 279, Jose Maria Ocon, Abstract 864;

Thence, in a southwesterly direction along the northwestern line of the said Survey No. 279, a distance of approximately 600 feet to a corner;

Thence, in a northwesterly direction following the common boundary line between the George Gerhart 18 acre tract and the Alice Dietz 80.3 acre tract, a distance of approximately 1,300 feet to the most northern corner of the Gerhart 18 acre tract;

Thence, in a southwesterly direction along the northwestern line of the Gerhart tract and the southeastern line of the Lester Gerhart 80 acre tract a distance of 1,100 feet to the southwestern line of Survey No. 277, J. F. S. Valverde, Abstract 782;

Thence, in a northwesterly direction along the southwestern line of the said Survey No. 277, also being along the northeastern line of Survey No. 278, Joseph O. Carrion, Abstract No. 141, a distance of approximately 1,300 feet to a corner;

Thence, in a northeasterly direction along the northwestern line of the Lester Gerhart 80 acre tract and the southeastern line of the Fred Snowden 5 acre tract, a distance of approximately 800 feet to a corner;

Thence, in a northwesterly direction along the common line between the W. H. Tonne, Jr., 164.14 acre tract and the Harry Schulmeyer 10.8 acre tract a distance of approximately 900 feet to the most northern corner of the Schulmeyer tract;

Thence, in a southwesterly direction along the northwestern line of the Schulmeyer tract and southeastern line of the Tonne tract a distance of approximately 800 feet to the southwestern line of the said Survey No. 277;



Thence, in a northwesterly direction following the southwestern line of Survey No. 277 and the northeastern line of Survey No. 278, at a distance of approximately 1,100 feet crossing the most western corner of Survey No. 277 and the most northern corner of Survey 278 and continuing along the same line a total distance of 1,600 feet to a corner on the northwestern right-of-way line of a public road;

Thence, in a southwesterly direction along the northwestern right-of-way line of said public road, a distance of approximately 100 feet to a corner;

Thence, in a northwesterly direction following the common boundary line between the E. S. C. Coppock 60 acre tract and the Allen E. Autry 25 acre tract a distance of approximately 2,000 feet to a corner;

Thence, in a northeasterly direction following the common boundary line between the Autry 25 acre tract and the Harry Eisenhower 25 acre tract a distance of approximately 700 feet to a corner on the southwestern line of the Mrs. Edda Bineck 98.257 acre tract;

Thence, in a northwesterly direction following the southwestern line of the Bineck 98.25 acre tract and the northeastern line of the Eisenhower 25 acre tract a distance of approximately 1,100 feet to a point on the northwestern line of Survey No. 196, James Conn, Abstract 121;

Thence, in a southwesterly direction along the northwestern line of said Survey No. 196 a distance of approximately 100 feet to a corner;

Thence, in a northwesterly direction following the common boundary line between the Floyd Nunnally tract and the Alfred Nisbet 95.934 acre tract, a distance of approximately 2,100 feet to a point on the southern right-of-way line of the Missouri-Pacific Railroad Company;

Thence, in an easterly direction following the southern right-of-way line of the Missouri-Pacific Railroad Company a distance of approximately 3,200 feet to a point on the northeastern line of Survey No. 86, W. A. Arthur, Abstract 837;

Thence, in a northwesterly direction following the northeastern line of the said Survey No. 86 and the southwestern line of Survey No. 411, Pedro Sanchez, Abstract 677, a distance of approximately 1,700 feet to a corner;

Thence, in a northeasterly direction following the northwestern boundary line of the William R. Castle, Jr., 80.86 acre tract, and crossing the right-of-way of F.M. Highway 1604, continuing along the same line which is the common line between the John W. Stoepler 230 acre tract and the Mrs. N. E. McClelland Stagg 104.21 acre tract a distance of approximately 5,800 feet to a point on the northeast line of Survey No. 411, Pedro Sanchez;

Thence, in a northwesterly direction along the northeastern line of the said Survey No. 411, Pedro Sanchez and along the southwestern line of Survey No. 114, Vicente Micheli Abstract 462, a distance of approximately 150 feet to a corner;

Thence, in a northeasterly direction on the common boundary line between the Stella and Frances O'Neil 63 acre tract and the Gilbert Binz

54.5 acre tract, at a distance of approximately 3,000 feet crossing a public road, at a total distance of approximately 3,400 feet the center of the Cibolo Creek and a corner;

Thence, up the center of the Cibolo Creek with its meanders a distance of approximately 300 feet to a corner;

Thence, in a northeasterly direction, which is parallel to and approximately 2500 feet southeast of the northwest line of Survey 114, Vicente Micheli, Abstract 383 in Comal County, a distance of approximately 3,600 feet to a corner;

Thence, in a southeasterly direction, which is parallel and approximately 7,200 feet southwest of the northeasterly line of the said Survey No. 114, a distance of approximately 1200 feet to a corner;

Thence, in a northeasterly direction along the southeast line of the Paul Marbach 347 acre tract and along the northwest line of the Floyd Lochman 110 acre tract, a distance of approximately 7,200 feet to a point on the northeastern line of the said Survey No. 114;

Thence, continuing in a northeasterly direction along the northwestern line of Survey No. 96, George M. Dolson, Abstract 120, a distance of approximately 2,200 feet to a corner;

Thence, in a southeasterly direction along the southwestern line of the Victor O. Fritze 120 acre tract, a distance of approximately 4,000 feet to a corner on the northern right-of-way of a public road;

Thence, in an easterly direction along the north right-of-way line of the said public road a distance of approximately 200 feet to a corner;

Thence, in a southeasterly direction along the northeastern right-of-way line of the said public road, at an approximate distance of 3,200 feet crossing the center of the Missouri-Pacific Railroad Company right-of-way, at a total distance of approximately 5,600 feet to a point on the southeastern line of Survey No. 96, George M. Dolson;

Thence, in a northeasterly direction along the southeastern line of the said Survey No. 96 and along the northwestern line of Survey No. 68, Torribio Herrera Abstract 205, a distance of approximately 2,000 feet to the most northern corner of the said Survey No. 68 and to the most western corner of Survey No. 404, John Saladin, Abstract 526;

Thence, in a southeasterly direction along the northeastern line of the said Survey No. 68 and along the southwestern line of Survey No. 404, a distance of approximately 4,000 feet to a point on the southern right-of-way line of Interstate Highway 35;

Thence, in a northeasterly direction along the southeastern right-of-way line of Interstate Highway 35, a distance of approximately 4,700 feet to the place of beginning.

Save and except from the above described tract all of that land lying within the corporate limits of the City of Selma, Texas and save and except all of that land lying within the extraterritorial jurisdiction of the City of

Selma, Texas; said exception and exclusion is more particularly described by metes and bounds as follows:

Beginning at a point in Bexar County, Texas on the northwestern line of the J. Vasquez Survey No. 310, Abstract 777, from which point the most western corner of the Vasquez Survey No. 310 lies in a southwesterly direction a distance of approximately 1,850 feet;

Thence, in a southeasterly direction parallel to and 1,850 feet northeast of the southwestern line of the said Vasquez Survey No. 310, crossing Interstate Highway 35, crossing the Jane W. Hill 48.6 acre tract, crossing the Anna Bell Hallan 13.784 acre tract, crossing the Ira Walker 104.936 acre tract, a total distance of approximately 3,700 feet to a point on the southeastern line of the Ira Walker 104.936 acre tract;

Thence, in a northeasterly direction following the southeastern line of the Walker 104.936 acre tract, a distance of approximately 1,900 feet to a point on the northeastern line of the Walker tract;

Thence, in a northwesterly direction following the northeastern line of the Walker tract a distance of approximately 400 feet to a corner;

Thence, in a northeasterly direction along a line parallel to and 400 feet southeast of the northwestern property line of the Security Drilling Co. 186.3 acre tract, a distance of approximately 2,400 feet to a point on the northeastern line of the J. Vasquez Survey No. 310;

Thence, in a southeasterly direction along the northeastern line of the Vasquez Survey No. 310, a distance of approximately 500 feet to a corner;

Thence, in a northeasterly direction along the southeastern property line of the August Friesenhahn 127 acre tract and along the northwestern line of the Haddy Blue 151.5 acre tract a distance of approximately 3,100 feet to a point in the center of the Cibolo Creek;

Thence, down the center of the Cibolo Creek with its meanders a distance of approximately 700 feet to a corner;

Thence, in a northeasterly direction following the southeastern line of the E. A. Rhodius 155.32 acre tract a distance of approximately 2,400 feet to a corner;

Thence, in a northwesterly direction crossing the Rhodius 155.32 acre tract a distance of approximately 1,200 feet to a corner;

Thence, in a northeasterly direction following the southeastern line of the Ella Rhodius Albrecht 109 acre tract, a distance of approximately 1,500 feet to a corner;

Thence, in a northwesterly direction crossing the Albrecht 109 acre tract a distance of approximately 650 feet to a point on the southeastern line of the Walter Rhodius 109 acre tract;

Thence, in a northeasterly direction following the southeastern line of the said Rhodius 109 acre tract, a distance of approximately 600 feet to a corner;

Thence, in a northwesterly direction which is perpendicular to the southeastern line of the said Rhodius 109 acre tract, continuing along this line crossing the J. T. Majors 84.6 acre tract, crossing Interstate Highway 35, crossing the Otto Bielstein estate 54 acre tract, a total distance of approximately 4,200 feet to a point on the northwestern line of the Bielstein 54 acre tract and a point on the southeastern line of Emil Sahm 75 acre tract;

Thence, in a southwesterly direction along the northwestern line of the said Bielstein 54 acre tract a distance of approximately 600 feet to a corner;

Thence, in a northwesterly direction along the northeastern line of the Joseph Riedel 31.1 acre tract, crossing the Guadalupe-Comal County line, a distance of approximately 2,500 feet to a corner, said corner being 800 feet northwest of the northwest line of the Torribio Herrera Survey No. 68, Abstract 153, Guadalupe County, Texas;

Thence, in a southwesterly direction along a line parallel to and 800 feet northwest of the northwestern line of the Torribio Herrera Survey No. 68, crossing the Cibolo Creek, crossing the Alvin Fey 72.82 acre tract, crossing the Benno Friesenhahn 100 acre tract, crossing the Boysville Inc. 228 acre tract, a total distance of approximately 10,200 feet to a point on the southwestern line of the Vicente Micheli Survey No. 114, Abstract 462 in Bexar County and a point on the northeastern line of the Harman Sparks Survey No. 71, Abstract 707;

Thence, in a southeasterly direction along the northeastern line of the Sparks Survey No. 71, and along the southwestern line of the Micheli Survey No. 114, a distance of approximately 800 feet to a point on the northwestern line of the John James Survey No. 73, Abstract 380, said point also being the most eastern corner of the Sparks Survey No. 71;

Thence, in a southwesterly direction along the southeastern line of the Sparks Survey No. 71 and along the northwestern line of the Jose M. Martinez Survey No. 276, Abstract 500, a distance of approximately 1,900 feet to a point on the northwestern line of the Martinez Survey No. 276;

Thence, in a southeasterly direction along a line parallel to and 1,400 feet southwest of the northeastern line of the Martinez Survey No. 276, a distance of approximately 3,600 feet to a point on the southeastern line of the Martinez Survey No. 276, said point also being on the northwestern line of the Vasquez Survey No. 310;

Thence, in a northeasterly direction along the southeastern line of the Martinez Survey No. 276 and along the northwestern line of the Vasquez Survey No. 310, a distance of approximately 1,000 feet to the place of beginning, containing 2,175 acres of land.

#### Summary of Land Areas:

In Bexar County, Texas	12,895 acres
Less exception for Selma, Texas	1,600
Net Bexar County area	11,295 acres

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In Comal County, Texas	2,220 acres
Less exception for Selma, Texas	5
Net Comal County Area	2,215 acres
In Guadalupe County, Texas	7,230 acres
Less exception for Selma, Texas	570 acres
Net Guadalupe County area	6,660 acres
Total Net Area	20,170 acres

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Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this State applicable to a river authority pursuant to Chapter 25, Title 2, Water Code, and to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act. It is specifically provided, however, that the District shall not be authorized to supply water for municipal uses, domestic uses, power and commercial purposes or any other beneficial uses.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Harry T. Silverman  
Malford Koch  
Burton H. Rowdon  
Dr. A. W. Mays  
Odo Riedel

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or cir-

cumstance shall be held to be invalid or unconstitutional, the remainder hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1339 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Cibolo Creek Municipal Authority; declaring the District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District and that confirmation election is not required; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; adopting by reference the powers of river authorities pursuant to Chapter 25, Title 2, Water Code, where not in conflict with this Act; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1339, as amended, was passed to engrossment.

#### HB 1272 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1272, Extending to November 1, 1971, the date for filing claims to water rights with the Texas Water Rights Commission.

The bill was read second time and was passed to engrossment.

#### COMMITTEE MEETING

Mr. Cavness asked unanimous consent of the House that the Committee on Motor Transportation be permitted to meet at this time.

There was no objection offered.

## HB 1622 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1622, Relating to compensation of certain county officials in certain counties.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 1 of HB 1622 to read as follows:

Section 1. Subsection (b), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) In all counties of this State having a population of one million, seven hundred thousand (1,700,000) or more inhabitants, according to the last preceding Federal Census, the Commissioners Court of such counties shall fix the salaries of county officials in the following manner:

"The salary of the county judge shall be not more than Thirty-two Thousand Dollars (\$32,000) per annum, provided, the county judge in such counties may be allowed, in addition to all other compensation fixed herein, a sum of not more than Three Thousand Dollars (\$3,000) per annum for serving as a member of County Juvenile Board, which shall be paid in twelve (12) equal monthly installments out of the general fund of such county and which additional compensation shall be in addition to all other salary or other compensation now paid to such county judge. The salary of the county commissioners shall be not more than Twenty-seven Thousand, Six Hundred Dollars (\$27,600); criminal district attorney and district attorney, not more than Twenty-three Thousand, Eight Hundred Eighty Dollars (\$23,880); probate judge, not more than Twenty-two Thousand, Eight Hundred Dollars (\$22,800); county attorney, not more than Twenty-two Thousand, Eight Hundred Dollars (\$22,800); sheriff, not more than Twenty-seven Thousand, Six Hundred Dollars (\$27,600); judges of the county courts at law and county criminal courts, not more than Twenty-one Thousand Dollars (\$21,000); county clerk and district clerk, not more than Twenty-four Thousand, Six Hundred Dollars (\$24,600); county treasurer, not more than Nineteen Thousand, Five Hundred Dollars (\$19,500); tax assessor and collector, not more than Thirty Thousand Dollars (\$30,000); each of such salaries shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars (\$30,000) per annum in the aggregate; justices of the peace and the constables at not more than Sixteen Thousand Dollars (\$16,000) per annum, to be paid in equal monthly installments; provided, however, that the justices of peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not more than Twenty-one Thousand, Six Hundred Dollars (\$21,600) per annum. The provisions of Section 18 of this Act do not apply to salaries set under this subsection."

Mr. Williams offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1622, second printing, by striking the following language: "criminal district attorney and district attorney, not more than Twenty-three Thousand, Eight Hundred Eighty Dollars (\$23,880)", Page 2, lines 40-42, and "county attorney, not more than Twenty-two Thousand, Eight Hundred Dollars (\$22,800)" on page 2, lines 45-46.

The amendment was adopted without objection.

Mr. Graves offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1622 by striking the words on Page 2, lines 30 and 31 "not more than Thirty-two Thousand Dollars (\$32,000)" and substituting therefor the words "not more than Twenty-two Thousand Dollars (\$22,000)"

The amendment was adopted without objection.

Mr. Graves offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1622 by striking the words on Page 2, lines 48 and 49 "not more than Twenty-seven Thousand, Six Hundred (\$27,600)" and substituting therefor the words "not more than Twenty-one Thousand, Eight Hundred and Forty Dollars (\$21,840)"

The amendment was adopted without objection.

Mr. Graves offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1622 by striking the words on Page 2, lines 38 and 39 "not more than Twenty-seven Thousand, Six Hundred Dollars (\$27,600)" and substituting therefor the words "not more than Nineteen Thousand, Eight Hundred Dollars (\$19,800)"

The amendment was adopted without objection.

Mr. Graves offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1622 by striking the words on Page 2, lines 56 and 57 "not more than Twenty-two Thousand, Eight Hundred Dollars (\$22,800)" and substituting therefor the words "not more than Sixteen Thousand, Five Hundred and Sixty Dollars (\$16,560)"

The amendment was adopted without objection.

Mr. Graves moved to reconsider the vote by which the second amendment to Committee Amendment No. 1 offered by himself was adopted.

The motion prevailed without objection.



Mr. Graves then withdrew the pending amendment.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 1622, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Lemmon and Swanson requested to be recorded as voting Nay on all amendments adopted to HB 1622.

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1622.

#### SB 527 ON SECOND READING (Mr. Murray—House Sponsor)

The Chair laid before the House, in lieu of HB 896, on its second reading and passage to third reading,

SB 527, Relating to student loan program; providing for the extension of repayment period on such loans, etc.

The bill was read second time and was passed to third reading.

#### HB 896—LAID ON THE TABLE SUBJECT TO CALL

Mr. Murray moved that HB 896 be laid on the table subject to call.

There was no objection offered and it was so ordered.

#### HB 1352 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1352, Providing for an additional period in which practicing architects who were practicing on a certain date, may register and receive a certificate without examination.

The bill was read second time and was passed to engrossment.

#### VOTES RECORDED

Representatives Price and Salter requested to be recorded as voting Nay on the passage to engrossment of HB 1352.

#### HB 418 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 418, Relating to annual salaries of assistants to the county school superintendent in certain counties.

The bill was read second time.

Mr. Beckham offered the following amendment to the bill:

Amend HB 418 by striking all below the enacting clause and substituting the following:

Section 1. In any county having a population of not less than 80,000 nor more than 84,000, or not less than 66,000 nor more than 67,000, or not less than 47,500 nor more than 49,000, or not less than 22,600 nor more than 22,720, according to the last preceding federal census, the first assistant to the county school superintendent is entitled to receive an annual salary of not more than \$5,000. The aggregate annual salaries of all assistants to the county school superintendent shall not be more than \$9,000.

Sec. 2. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

HB 418, as amended, was passed to engrossment.

#### HB 756 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 756, Prescribing compensation for county officials in certain counties.

The bill was read second time and was passed to engrossment.

#### HB 239 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 239, Providing for the compensation of the official court reporter of the 49th Judicial District Court.

The bill was read second time.

#### COMMITTEE MEETINGS

Mr. Traeger asked unanimous consent of the House that the Committee on Constitutional Amendments be permitted to meet at this time.

There was no objection offered.

Mr. Carrillo asked unanimous consent of the House that the Committee on Data Processing be permitted to meet at this time.

There was no objection offered.

HB 239—(Consideration continued)

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 239, First Printing, by:

(1) striking the word "of" on line 12 and substituting the phrase "not to exceed"; and

(2) adding, between the word "annum," and "in" on line 12, the phrase "the amount to be determined by the judge of the 49th Judicial District Court,".

The committee amendment was adopted without objection.

HB 239, as amended, was passed to engrossment.

HB 428 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 428, Requiring licensing for fish farms.

The bill was read second time.

Mr. Lovell offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 428, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Subsection (b), Section 2, Chapter 298, Acts of the 61st Legislature, Regular Session, 1969 (Article 978f-5b, Vernon's Texas Penal Code), is amended to read as follows:

"(b) 'Private Ponds' are defined as ponds, reservoirs, vats, or any structure capable of holding fish in confinement wholly within or upon the enclosed lands of an owner or lessor."

Sec. 2. Section 3, Chapter 298, Acts of the 61st Legislature, Regular Session, 1969 (Article 978f-5b, Vernon's Texas Penal Code), is amended to read as follows:

"Section 3. Before any owner in this state shall engage in the business of fish farming for the purpose of sale, barter, or exchange, a 'Fish Farmer's' license shall first be procured from the Parks and Wildlife Department. The annual fee for a Fish Farmer's license or Fish Farm Vehicle

license shall be \$5 and the license shall be on a form provided by the Parks and Wildlife Department. Such license shall be valid from September 1 or issuance date whichever is later and shall expire August 31 following the date of issuance. A 'Fish Farm vehicle license' shall be required for each vehicle transporting fish from Fish Farms for the purpose of sale from the vehicle except those vehicles owned and operated by a person holding a Fish Farmer's license. Vehicles transporting fish from Fish Farms when no sales are made from the vehicles shall carry a bill of lading reflecting the species of fish, number, Fish Farm owner's name, location, and license number of Fish Farm and the destination of the cargo, but said vehicle shall not be required to obtain a Fish Farm vehicle license. A person holding a Fish Farmer's license, upon payment of \$1 each, may procure additional licenses for display purposes in or on additional premises or vehicles owned or operated by him."

Sec. 3. Section 4, Chapter 298, Acts of the 61st Legislature, Regular Session, 1969 (Article 978f-5b, Vernon's Texas Penal Code), is amended to read as follows:

"Section 4. Each person holding a Fish Farmer's license shall maintain records reflecting sales and shipments of fish and such records shall be open for inspection by designated personnel of the Parks and Wildlife Department."

Sec. 4. Chapter 298, Acts of the 61st Legislature, Regular Session, 1969 (Article 978f-5b, Vernon's Texas Penal Code), is amended by adding a Section 6A to read as follows:

"Section 6A. Grants of federal funds available for research and development of commercial fisheries may be used for individual fishery projects after approval by the Parks and Wildlife Department."

Sec. 5. Chapter 298, Acts of the 61st Legislature, Regular Session, 1969 (Article 978f-5b, Vernon's Texas Penal Code), is amended by adding a Section 9 to read as follows:

"Section 9. Proceeds for issuing licenses and any penalties assessed for violation of this Act shall be deposited in the State Treasury to the account of Special Game and Fish Fund No. 9."

Sec. 6. This Act is effective September 1, 1971.

Sec. 7. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

#### Committee Amendment No. 2

Amend HB 428, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the licensing of fish farms; amending Subsection (b), Section 2, and Sections 3 and 4, Chapter 298, Acts of the 61st Legislature, Regular Session, 1969 (Article 978f-5b, Vernon's Texas Penal Code), and adding new Sections 6A and 9; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 428, as amended, was passed to engrossment.

#### HB 1327 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1327, Relating to the sale of imperfect safety glass for motor vehicles.

The bill was read second time.

Mr. Salem offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1327, Line 23, by adding after the word term "in red letters each letter being at least one inch in size."

##### Committee Amendment No. 2

Amend HB 1327, Line 25, by adding after sold, the following, "the seller of each piece of imperfect glass will notify the consumer verbally of the imperfection and what could possibly result because of said imperfection, and will also deliver in writing at the time of purchase the quality of the glass explaining all imperfections and what could result because of the imperfections."

The committee amendments were severally adopted without objection.

HB 1327, as amended, was passed to engrossment.

#### HB 1015 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1015, Permitting the conveyance of certain sections of land situated in the Big Bend National Park to the United States government by the General Land Office.

The bill was read second time and was passed to engrossment.

#### HB 511 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 511, Relating to the employment and salaries of the county attorney and assistant county attorneys and investigators, etc., in certain counties.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

##### Committee Amendment No. 1

Amend HB 511, First Printing, by:

(1) striking on line 24 of page 1 the phrase "less than \$12,000 per year nor";

(2) striking on line 30 of page 1 the phrase "less than \$10,000 per year nor";

(3) striking on line 32 of page 1 the phrase "less than \$9,000 per year nor";

(4) striking on line 34 of page 1 the phrase "less than \$8,000 per year nor"; and

(5) striking on line 48 of page 1 the phrase "less than \$12,000 per year nor".

The committee amendment was adopted without objection.

HB 511, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 511.

#### HB 509 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 509, Relating to providing for additional compensation for the district judges of the 47th, 108th, and 181st Judicial Districts.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend HB 509 by striking quoted Section 1 in Section 1 of the bill and substituting the following:

"Section 1. In addition to the compensation otherwise provided by law, the district judges of the 47th, 108th, and 181st Judicial Districts may each be paid for services rendered to the county or counties comprising each such district a sum not to exceed \$6,000 per annum, as approved by the commissioners court or courts of the county or counties comprising each such district. Any such additional compensation shall be paid from the funds of the county or counties comprising each of the judicial districts by the commissioners courts of the counties in the same proportion as the population in each county bears to the total population of the counties comprising such judicial district, according to the last preceding federal census. The additional compensation provided for herein shall be paid in equal monthly installments."

Mr. Bynum offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 509 by striking Section 1 in the bill and substituting in lieu thereof the following:

"Section 1. In addition to the compensation otherwise provided by law, the district judges of the 47th, 108th and 181st Judicial Districts shall be paid for services rendered to the county or counties comprising each such district a sum of not less than \$3,500 per annum and may be paid not more than \$6,000 per annum. The minimum additional compensation of \$3,500 shall be paid from the funds of the county or counties comprising each of the judicial districts by the commissioners courts of the counties in the same proportion as the population in each county bears to the total population of the counties comprising such judicial district, according to the last preceding federal census. The total additional remuneration paid to any one judge of the above listed judicial districts under the provisions of this Act shall not exceed the sum of \$6,000 per annum. The additional compensation provided for herein shall be paid in equal monthly installments."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 509, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Kubiak and Harding requested to be recorded as voting Nay on the passage to engrossment of HB 509.

#### HB 1407 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1407, Amending the Texas Banking Code of 1943 requiring notice to the Commissioner by the transferee in certain cases where stock of a state bank is transferred.

The bill was read second time and was passed to engrossment.

#### HB 636 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 636, Relating to the exemption from insurance laws of reciprocal or inter-insurance exchanges.

The bill was read second time and was passed to engrossment.

#### HB 1270 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1270, Permitting the withdrawal of duplicate or excessive deposits made with the State Treasurer by certain insurance companies under prior or existing statutory provisions.

The bill was read second time and was passed to engrossment.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 6, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 111 by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to SB 43 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

I am directed by the Senate to inform the House that the Senate has passed the following:

HB 30, By Traeger: Relating to a decoration to be awarded to any member of the military forces of the state, whose performance has been such as to merit recognition for services performed in a superior and clearly outstanding manner; and declaring an emergency.

HB 505, By Harding: Relating to and fixing the maximum salaries of the official shorthand reporters for the 51st and 119th Judicial Districts of Texas; and declaring an emergency.

HB 718, By Doran: Relating to zoning and building regulations for certain portions of Val Verde County frequented by citizens from all parts of this state; and declaring an emergency. (with amendments)

HB 1563, By Heatly: Authorizing a Revolving Petty Cash Fund for the Parks and Wildlife Department for refunds of cash receipts subject to approval of state auditor; and declaring an emergency.

HB 1641, By Hubenak: Creating and establishing without consent of political subdivisions a conservation and reclamation district to be known as "Belfort Public Utility District"; and declaring an emergency.

HCR 126, By Von Dohlen, et al: Memorializing Congress to request the Department of Transportation to modify proposed regulations on farm truck driver qualification.

HB 287, By Harris: Relating to the term of office of supervisors of the Bayview Municipal Utility District of Galveston County, Texas; and declaring an emergency.

HB 640, By Williams: Creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "Cypress Forest Public Utility District;" and declaring an emergency.



HB 803, By Foreman, et al: Relating to the salaries of assistants to the county school superintendent in certain counties; and declaring an emergency.

HB 987, By Hubenak: To delete all reference to the district's power and authority to enter into a contract with the City of Houston with respect to compliance with the policy of such city on the formation of water control and improvement districts within such city's extraterritorial jurisdiction; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

CONSIDERATION OF BILLS ON THE  
LOCAL AND CONSENT CALENDAR—(continued)

HB 1226 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1226, Relating to compensation to be paid from county funds to District Court Judges serving in certain counties.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1226, First Printing, as follows:

(1) Substitute "may" for "shall" on line 21.

(2) Substitute "a sum not to exceed \$14,000 annually to be determined by the Commissioners Court and" for "the sum of \$14,000 annually." on lines 22 and 23.

Mr. Lemmon offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1226, by substituting \$12,000. wherever \$14,000. appears.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 1226, as amended, was passed to engrossment.

HB 1528 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1528, Authorizing the University of Texas System to contract with any political subdivisions of the state located in Ector County for the construction of certain facilities on land owned by or for the benefit of The University of Texas of the Permian Basin.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Kubiak and Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1226.

HB 1600 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1600, Relating to the salaries of deputies, assistants, and clerks of district, county or precinct officers in counties of 22,720 to 23,300 population.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1600.

HB 726 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 726, Providing for compensation of the official shorthand reporters of the 2nd and 145th Judicial Districts.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 726, First Printing, by striking on line 18 the phrase "less than \$6,600 nor".

The committee amendment was adopted without objection.

HB 726, as amended, was passed to engrossment.

HB 844 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 844, Relating to the office of ex officio county school superintendent in certain counties.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 844 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. In any county having a population of not less than 27,500 nor more than 27,660, according to the last preceding federal census, in which the abolition of the offices of county school superintendent and the county board of school trustees has been approved by the voters, the duties of the offices shall be performed by the superintendents of the independent school districts located in the county.

Sec. 2. As used in this Act, "the last preceding Federal Census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 844, as amended, was passed to engrossment.

Representative Dean Neugent entered the House and was announced present.

#### HB 246 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 246, Regulating the operation of self-liquidating navigation districts.

The bill was read second time.

Mr. Rosson offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 246 by striking all below the enacting clause and substituting the following:

Section 1. Subsections (b) and (c), Section 63.171, Water Code, are amended to read as follows:

"(b) Bids for the work shall be in writing, sealed, and delivered to the chairman of the commission, together with a certified check for at least five percent of the total amount of the bid. A bid bond in the amount of

at least five percent of the total amount of the bid executed by a corporate surety duly authorized to do business in this state and payable to the district may be substituted in lieu of the certified check.

"(c) If the bidder's bid is accepted but he refuses to enter into a proper contract and give the performance and payment bond required by Article 5160, Revised Civil Statutes of Texas, 1925, the certified check or bid bond shall be forfeited to the district."

Sec. 2. Subsection (b), Section 63.176, Water Code, is amended to read as follows:

"(b) If the commission considers it advisable, it may contract to pay for the work in partial payments as the work progresses, but the partial payments may not be more in the aggregate than 90 percent of the contract price of the total amount of work done under the contract. The amount of the work shall be shown by a certificate of the engineer."

Sec. 3. Chapter 63, Water Code, is amended to add a new Section 63.228 to read as follows:

"Section 63.228. Borrowing Money. (a) A district may borrow for any legal purpose from the United States or from any banking institution or other source not more than \$250,000 to meet temporary needs, and may issue notes or other short term obligations other than bonds which will mature in not more than 10 years from their date and may pledge any securities owned by them or their surplus revenues.

"(b) A district, in the acquisition of land necessary for the development of its ports and waterways both industrial and otherwise, may execute purchase money notes securing same with liens on the land being acquired or with a pledge of surplus revenue, or with both. The notes may bear interest at the rate determined by the commission."

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend HB 246 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act authorizing a self-liquidating navigation district coming under the scope of Chapter 63 of the Water Code to accept bid bonds executed by a corporate surety in lieu of the certified check currently required; decreasing the limitation on a district's authority to contract for improvements to be paid for in partial payments as the work progresses from an amount not to exceed in the aggregate 80 percent of the contract price of the total amount of the work done to an amount not to exceed 90 percent of the contract price of the total amount of the work done; authorizing a district to secure temporary short-term financing and to issue purchase money notes in the acquisition of certain land;

amending Subsections (b) and (c) of Section 63.171 and Subsection (b) of Section 63.176 of and adding Section 63.228 to the Water Code; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 246, as amended, was passed to engrossment.

#### HB 885 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 885, Including municipal utility districts under the provisions covering water districts.

The bill was read second time.

Mr. Clayton offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend HB 885 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 1 of Article 1182c-1, Revised Civil Statutes of Texas is hereby amended to read as follows:

"Section 1. This Act shall apply to all incorporated cities and towns, including Home Rule Cities, and those operating under general laws or special charters (hereinafter called 'city' or 'cities'), which have heretofore annexed, or hereafter may annex, all or any part of the territory within one (1) or more water control and improvement districts, fresh water supply districts or municipal utility districts, which districts were organized for the primary purpose of providing such municipal functions as the supply of fresh water for domestic or commercial uses, the furnishing of sanitary sewer service or drainage services, any or all. Such cities shall succeed to the powers, duties, assets, and obligations of such district or districts in the manner and to the extent hereinafter provided. Nothing herein shall prohibit any city from continuing to operate utility facilities within such districts in which such facilities are owned and are operated by such city at the effective date of annexation. This Act shall not apply in the case of any such district, the territory of which is now situated in more than one (1) incorporated city."

Section 2. Section 6 of Article 1182c-1, Revised Civil Statutes of Texas is hereby amended to read as follows:

"Section 6. When any city or town is newly incorporated over all or any part of the territory within a water control and improvement district, a fresh water supply district or municipal utility district, the governing body may adopt an ordinance making the provisions of this Act applicable to such city or town and, upon the adoption of such an ordinance by a vote of not less than two-thirds (2/3) of the entire membership of such governing body, the provisions of this Act shall thereafter be applicable to such city or town and to such districts situated in whole or in part therein."

Section 3. Section 1 of Article 1182c-5, Revised Civil Statutes of Texas is hereby amended to read as follows:

"Section 1. This Act shall apply to all incorporated cities and towns, including Home Rule Cities and those operating under General Laws or special charters (hereinafter called 'city' or 'cities'), which now or hereafter contain within their city or corporate limits (by virtue of annexation of territory or original incorporation, either or both) any part of the territory within one (1) or more water control and improvement districts, fresh water supply districts or municipal utility districts (hereinafter called 'district' or 'districts'), which districts were organized for the primary purpose of providing such municipal functions as the supply of fresh water for domestic or commercial uses, or the furnishing of sanitary sewer service, any or all, when the balance of the territory comprising such district or districts lies in another city or cities so that the entire district lies wholly within two (2) or more cities. Such cities shall succeed to the powers, duties, assets and obligations of such district or districts in the manner and to the extent hereinafter provided. Nothing herein shall prohibit any city from continuing to operate utility facilities within any such district in which such facilities are, or were, owned and operated by such city at the time that the part of the territory of the district became, or becomes, a part of or included within the boundaries of such city."

Section 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 885 by striking all above the enacting clause and substituting in lieu thereof the following:

"An Act relating to the inclusion of municipal utility districts within the terms and provisions of Articles 1182c-1 and 1182c-5, Revised Civil Statutes of Texas; and declaring an emergency."

The committee amendments were severally adopted without objection.

HB 885, as amended, was passed to engrossment.

RESOLUTION SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof, the following enrolled resolution:

HCR 135, Congratulating Former President Harry S. Truman on his birthday.

CONSIDERATION OF BILLS ON THE  
LOCAL AND CONSENT CALENDAR—(continued)

HB 840 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 840, Providing that certain communications by a patient who has voluntarily submitted to treatment, etc., for drug abuse shall be privileged.

The bill was read second time and was passed to engrossment.

#### HB 1479 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1479, Relating to the appointment and compensation of the official shorthand reporters of the District Courts of Travis County.

The bill was read second time and was passed to engrossment.

#### HB 1413 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1413, Providing that the county clerk or district clerk may destroy certain records, etc., by shredding.

The bill was read second time and was passed to engrossment.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1413.

#### HB 1403 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1403, Increasing salaries allowed county and district judges for service on the Angelina, Cherokee, and Nacogdoches County Juvenile Boards.

The bill was read second time and was passed to engrossment.

#### HB 512 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 512, Increasing salaries of chief deputies and other assistants in counties with a population between 86,000 and 91,000.

The bill was read second time and was passed to engrossment.

#### VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 512.

## HB 1304 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1304, Relating to the salaries of county officials in certain counties.

The bill was read second time.

Mr. Short offered the following committee amendments to the bill:

## Committee Amendment No. 1

Amend the quoted Subdivision (1) in Section 1 of HB 1304, First Printing, to read as follows:

“(1) The salary of the county judge, \$22,500; the county commissioners, \$22,000; district attorney, \$26,000; sheriff, \$22,000; tax assessor and collector, \$25,000; judges of the county courts at law and county civil court at law, \$25,000; county clerk and district clerk, \$22,000; county treasurer, \$18,000. Salaries fixed by this Section shall be payable in equal monthly installments; justices of the peace and the constables may receive not to exceed \$16,000 per annum to be paid in equal monthly installments;”

## Committee Amendment No. 2

Amend HB 1304, First Printing, by striking on lines 34-35 the phrase “the sum of” and substituting the phrase “a sum, to be set by the commissioners court, not to exceed”.

The committee amendments were severally adopted without objection.

HB 1304, as amended, was passed to engrossment.

## VOTES RECORDED

Representatives Dramberger and Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1304.

## COMMITTEE MEETING

Mr. Blanton asked unanimous consent of the House that the Committee on Resolutions and Interim Activities be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF BILLS ON THE  
LOCAL AND CONSENT CALENDAR—(continued)

## HB 995 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 995, Changing title of the presiding officer of corporation courts from “recorder” to “judge of the municipal court.”

The bill was read second time.



Mr. Floyd offered the following amendment to the bill:

Amend HB 995, First Printing, as follows:

(1) Add a new sentence at the end of line 19, page 1, to read as follows: All other statutory references to the "recorder" shall be construed to mean the "judge of the municipal court".

The amendment was adopted without objection.

HB 995, as amended, was passed to engrossment.

#### HB 821 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 821, Relating to the method by which a person may establish an exemption from jury service.

The bill was read second time and was passed to engrossment.

#### HB 750 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 750, Relating to the method of payment of sums in certain circumstances to the Employees Retirement System of Texas.

The bill was read second time and was passed to engrossment.

#### HB 933 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 933, Relating to the control, supervision, and use of the State Cemetery, and use of other state property as an interment site.

The bill was read second time and was passed to engrossment.

#### HB 1644 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1644, Relating to the salaries of justices of the peace in certain counties.

The bill was read second time and was passed to engrossment.

#### VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1644.

## HB 1638 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1638, Relating to the compensation of the judge of the district court of the 143rd Judicial District.

The bill was read second time and was passed to engrossment.

## VOTE RECORDED

Mr. Harding requested to be recorded as voting Nay on the passage to engrossment of HB 1638.

## HB 260 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 260, Relating to the appointment and term of Director of the Legislative Reference Library.

The bill was read second time and was passed to engrossment.

## HB 548 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 548, Exempting from state college and university tuition and fees the dependent children of Texas military personnel missing in action or taken prisoner of war.

The bill was read second time and was passed to engrossment.

## HB 1043 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1043, Relating to the establishment of the Northeast Texas Juvenile Board of Bowie, Cass, Red River, Morris, and Titus Counties.

The bill was read second time and was passed to engrossment.

## HB 1204 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1204, Including Concho County within the 119th Judicial District.

The bill was read second time and was passed to engrossment.

## HB 139 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 139, Authorizing the Texas Department of Mental Health and Mental Retardation to establish a treatment program using synthetic narcotic drugs for drug-dependent persons.

The bill was read second time.

Mr. Baker offered the following committee amendment to the bill:

## Committee Amendment No. 1

Amend HB 139 by striking all below the enacting clause and substituting the following:

Section 1. Ninety days after the effective date of this Act it shall be unlawful to prescribe or administer synthetic narcotic drugs to any person for the purpose of treating drug dependency without a permit issued by the Texas State Department of Health.

Sec. 2. (a) The Texas State Department of Health, hereinafter designated as "the department," shall establish, administer, and enforce such rules, regulations, and standards as it deems necessary to insure the proper use of synthetic narcotic drugs in the treatment of drug-dependent persons. To advise the department in the establishment, administration, and enforcement of such rules, regulations, and standards, an advisory committee shall be appointed as follows:

(1) One physician licensed to practice medicine in the State of Texas particularly informed about the problems arising from drug addiction shall be appointed by the Texas State Board of Medical Examiners.

(2) One pharmacist licensed to practice pharmacy in the State of Texas shall be appointed by the Texas State Board of Pharmacy.

(3) One attorney licensed to practice law in the State of Texas shall be appointed by the President of the State Bar of Texas.

(4) One law enforcement officer shall be appointed by the Director of the Department of Public Safety of the State of Texas.

(5) One stabilized addict shall be appointed by the Commissioner of Mental Health and Mental Retardation.

(6) One social worker with particular experience in the treatment of narcotics addiction shall be appointed by the Commissioner of Public Welfare.

(7) The Commissioner of Mental Health and Mental Retardation shall appoint one officer or employee of his department.

(8) The Director of the Texas Department of Corrections shall appoint one officer or employee of his department.

(9) The Commissioner of the Texas Rehabilitation Commission shall appoint one officer or employee of the commission.

(10) The Commissioner of Health shall serve as a permanent member of this advisory committee in the capacity of chairman.

(b) The initial appointments to this advisory committee pursuant to subparagraphs (1), (2), and (3) of Subsection (a) of this section shall serve for a period of two years and until their successors are appointed. The initial appointments to this advisory committee pursuant to subparagraphs (4), (5), and (6) of Subsection (a) of this section shall serve for a period of four years and until their successors are appointed. The initial appointments to this advisory committee pursuant to subparagraphs (7), (8), and (9) of Subsection (a) of this section shall serve for a period of six years and until their successors are appointed. Each subsequent appointee to this advisory committee shall serve for a term of six years and until his successor is appointed.

(c) This advisory committee shall meet at the call of its chairman. The advisory committee shall give written notice of the date, place, and subject of each of its meetings to the secretary of state, who shall then post the notice on a bulletin board to be located at a place convenient to the public in the State Capitol. Persons interested in the establishment of rules, regulations, and standards pursuant to this Act shall be given an opportunity to be heard by this committee.

(d) The rules, regulations, and standards adopted by the department under this Act shall be filed with the secretary of state and shall be published and available on request from the secretary of state.

(e) Members of the advisory committee who are not officers or employees of the State of Texas shall be entitled to \$25 each day while engaged in authorized business of the committee and in addition thereto shall be entitled to travel and other necessary expenses incurred in performing their duties on the committee. Such compensation and reimbursement will be made from monies appropriated to the department. Other members of the committee shall have their expenses paid by their respective agencies to the same extent as authorized for travel performed for such agencies.

Sec. 4. Any physician licensed by the Texas State Board of Medical Examiners or any institution, public or private, organized and operated under the laws of this state for the purpose of providing health services may apply to the department on forms approved by the department for a permit to prescribe and administer synthetic narcotic drugs to drug-dependent persons. The department shall issue a permit to applicants qualified according to its rules, regulations, and standards. A permit issued pursuant to this Act shall remain in effect until suspended or revoked by the department or surrendered by the holder thereof.

Sec. 5. The Texas Department of Mental Health and Mental Retardation shall have the responsibility to promote and develop comprehensive programs for drug-dependent persons which include maintenance treatment programs involving the supplying of synthetic narcotics to those persons. Such programs shall be implemented through the state hospitals and through grants-in-aid to local Mental Health and Mental Retardation boards of trustees.

Sec. 6. (a) The State Department of Health shall give an applicant or permit holder notice of failure to comply with the rules, regulations, and standards established pursuant to this Act, shall afford the applicant or permit holder a reasonable opportunity to achieve or to demonstrate compliance, and shall give the applicant or permit holder an opportunity for hearing before denying, suspending or revoking a permit. Such proceedings shall be recorded in a form that can be transcribed if notice of appeal is filed.

(b) The procedure for such hearings shall be prescribed by the rules, regulations, and standards established pursuant to this Act. The department shall notify an applicant whose application is denied and a permit holder whose permit is suspended or revoked.

Sec. 7. (a) Any applicant or permit holder may appeal the denial, suspension, or revocation of a permit by filing notice of appeal in the district court of Travis County and with the department within 30 days after receiving notice of the decision of the department. Upon receiving notice of appeal, the department shall file with the court a transcript of the hearing at which the application or permit was denied, suspended, or revoked. The attorney general shall represent the department in the district court of Travis County in any case involving a decision of the department.

(b) The court shall hear the case upon the record and may consider such other evidence as in its discretion may be necessary to properly determine the issues involved.

(c) The court may affirm or set aside the decision of the department or may remand the case for further proceedings before the department.

(d) If the court affirms the decision of the department, the applicant or permit holder shall pay the cost of the appeal; otherwise the department shall pay the cost of the appeal.

Sec. 8. The Department may require every applicant or permit holder to make annual, periodical, and special reports, and to keep such records as it considers necessary to insure compliance with the provisions of this Act and the rules, regulations, and standards of the department.

Sec. 9. The department may make such investigations as it deems necessary and proper to obtain compliance with the provisions of this Act and such rules, regulations, and standards as the department prescribes.

Sec. 10. (a) For cause shown, the district court of Travis County shall have jurisdiction to restrain violation of this Act and of the rules, regulations and standards established pursuant to this Act.

(b) The department may maintain an action in the name of the State of Texas for injunction or other process against any person, or against any public or private institution, to restrain the violation of this Act and the rules, regulations, and standards established pursuant to this Act.

Sec. 11. If any portion of this Act is declared invalid or unconstitutional, it is the intention of the Legislature that the other portions shall remain in full force and effect, and to this end the provisions of this Act are declared to be severable.

Sec. 12. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Baker offered the following amendments to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 139, Second Printing, by substituting "One hundred twenty" for "Ninety" on page 3, line 12.

Amend Committee Amendment No. 1 to HB 139 by renumbering Sections 11 and 12 as Sections 12 and 13, respectively, and inserting a new Section 11 to read as follows:

Sec. 11. A person who violates any provision of this Act or any rule or regulation promulgated under this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$3,000 or by confinement in the county jail for not more than six months, or both.

The amendments were severally adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Baker offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 139 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to regulation of the use of synthetic narcotic drugs in the treatment of drug-dependent persons and the development of treatment programs involving synthetic narcotics; and declaring an emergency.

Committee Amendment No. 2 was adopted without objection.

HB 139, as amended, was passed to engrossment.

#### HB 243 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 243, Placing persons not domiciled within the United States under requirements of Texas Motor Vehicle Safety-Responsibility Act.

The bill was read second time and was passed to engrossment.

#### HB 1437 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1437, Relating to eligibility of candidates for all elected public offices of cities of any class.

The bill was read second time.

Mr. Braun offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 1 of HB 1437 to read as follows:

"Section 1. No person shall be ineligible to be a candidate for any elected public office of any city, regardless of its class, by virtue of his age or length of residency within the city, who is above the age of twenty-one (21), is a qualified elector, and has resided twelve (12) months next preceding the election within the city limits of such city."

The committee amendment was adopted without objection.

HB 1437, as amended, was passed to engrossment.

#### HB 927 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 927, Authorizing the issuance of revenue bonds to provide hospital facilities for hospital districts which are in counties containing a population of 200,000 or more.

The bill was read second time and was passed to engrossment.

#### HB 930 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 930, Requiring competitive bidding on certain contracts involving political subdivisions.

The bill was read second time.

Mr. Lombardino moved that consideration of HB 930 be postponed until 11:00 a.m., Monday, May 10, 1971.

The motion prevailed without objection.

#### RECESS

Mr. Doran moved that the House recess until 2:30 p.m. today.

The motion prevailed without objection.

The House accordingly, at 1:13 p.m., recessed until 2:30 p.m., today.

## AFTERNOON SESSION

The House met at 2:30 p.m. and was called to order by the Speaker.

## MESSAGE FROM THE SENATE

Austin, Texas, May 6, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 58, By Golman: Requesting the four major public service retirement systems in Texas to prepare an intrastate reciprocal retirement plan that provides for the preservation and continuity of earned retirement . . . of public service employees who transfer between covered political subdivisions or agencies of government within the state.

HB 58, By Cavness, et al: Relating to the issuance of permits for and the regulation of mass gatherings; and declaring an emergency. (with amendments)

HB 352, By Caldwell, Hubenak: Relating to the salary of the judge of the Brazoria County Court of Domestic Relations; and declaring an emergency.

HB 630, By Harding: Relating to making the inheritance tax applicable to certain property held in joint tenancy with right of survivorship; and declaring an emergency.

HB 889, By Silber: Creating and establishing without consent of political subdivisions a conservation and reclamation district to be known as "Village Public Utility District;" and declaring an emergency.

HB 976, By Finck: Creating the "Booker Public Utility District;" and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

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Representative Denton entered the House and was announced present.

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## CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 437, by Jungmichel: Commending the 6th Grade Class of Houston Elementary School, Smithville, Texas.

HSR 440, by Lewis: Commending the Senior Class of W. E. Boswell High School, Saginaw, Texas.



HSR 441, by Salem: Commending Robert B. (Bob) Goodrum.

HSR 443, by Cates: Commending the Perryton High School Ranger Band and its director.

(Mr. Solomon in the Chair)

#### HB 1226—VOTE RECONSIDERED

Mr. Lemmon moved to reconsider the vote by which HB 1226 was passed to engrossment on today.

The motion prevailed without objection.

The Chair laid before the House on its passage to engrossment,

HB 1226, Relating to compensation from county funds to District Judges in certain counties.

Mr. Lemmon offered the following amendment to the bill:

Amend HB 1226, Second Printing, as follows:

(1) strike that part of Section 1 on lines 14-16 and substitute the following:

"Section 1. Section 1, Chapter 359, Acts of the 57th Legislature, Regular Session, 1961 (Article 6819a-19b, Vernon's Texas Civil Statutes) is amended to read as follows:".

(2) strike on line 31 the number "200-A" and substitute the number "200a".

The amendment was adopted without objection.

HB 1226, as amended, was passed to engrossment.

#### HB 1786 ON SECOND READING

Mr. John Allen moved that all necessary rules be suspended to take up and consider at this time, HB 1786.

The motion prevailed without objection.

The Chair laid before the House on its second reading and passage to engrossment,

HB 1786, A bill to be entitled An Act relating to the effective date of Chapter 54 of the Water Code; amending Section 4, HB 1458, Acts of the 62nd Legislature, Regular Session, 1971; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### HB 1786 ON THIRD READING

Mr. John Allen moved that the constitutional rule requiring bills to be

read on three several days be suspended and that HB 1786 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—135**

Adams	Davis, D.	Johnson	Poff
Agnich	Davis, H.	Jones, D.	Presnal
Allen, Joe	Denton	Jones, E.	Price
Allen, John	Doran	Jones, G.	Rodriguez
Allred	Doyle	Jungmichel	Rosson
Angly	Dramberger	Kaster	Salem
Atwell	Earthman	Kilpatrick	Salter
Atwood	Farenthold	Kost	Sanchez
Baker	Finck	Lee	Santiesteban
Bass, B.	Finnell	Lemmon	Schulle
Beckham	Finney	Lewis	Semos
Bigham	Floyd	Ligarde	Shannon
Blanton	Foreman	Lombardino	Sherman
Blythe	Gammage	Longoria	Short
Bowers	Garcia	Lovell	Silber
Boyle	Golman	McAlister	Simmons
Braecklein	Hale	McKissack	Slack
Braun	Hanna, Joe	Moncrief	Slider
Burgess	Hannah, John	Moore, A.	Smith
Bynum	Harding	Moore, G.	Spurlock
Caldwell	Harris	Murray	Stewart
Calhoun	Hawkins	Nabers	Swanson
Carrillo	Hawn	Nelms	Tarbox
Cates	Haynes	Neugent, D.	Traeger
Cavness	Head	Newton	Truan
Christian	Heatly	Nichols	Tupper
Clark	Hendricks	Niland	Uher
Clayton	Hilliard	Nugent, J.	Von Dohlen
Coats	Holmes, T.	Orr	Ward
Cobb	Holmes, Z.	Parker, C.	Wieting
Cole	Howard	Parker, W.	Williams
Craddick	Hubenak	Patterson	Williamson
Cruz	Hull	Pickens	Wyatt
Daniel	Ingram	Poerner	

**Nays—10**

Bass, T.	Kubiak	Moreno	Vale
Grant	Mengden	Reed	Wolff
Graves	Moore, T.		

**In The Chair**

Solomon

**Absent**

Ogg                      Stroud

**Absent-Excused**

Wayne

The Chair then laid HB 1786 before the House on third reading and final passage,

The bill was read third time and was passed by the following vote:

**Yeas—145**

Adams	Denton	Jones, G.	Presnal
Agnich	Doran	Jungmichel	Price
Allen, Joe	Doyle	Kaster	Reed
Allen, John	Dramberger	Kilpatrick	Rodriguez
Allred	Earthman	Kost	Rosson
Angly	Farenthold	Kubiak	Salem
Atwell	Finck	Lee	Salter
Atwood	Finnell	Lemmon	Sanchez
Baker	Finney	Lewis	Santiesteban
Bass, B.	Floyd	Ligarde	Schulle
Bass, T.	Foreman	Lombardino	Semos
Beckham	Gammage	Longoria	Shannon
Bigham	Garcia	Lovell	Sherman
Blanton	Golman	McAlister	Short
Blythe	Grant	McKissack	Silber
Bowers	Graves	Moncrief	Simmons
Boyle	Hale	Moore, A.	Slack
Braecklein	Hanna, Joe	Moore, G.	Slider
Braun	Harding	Moore, T.	Smith
Burgess	Harris	Moreno	Spurlock
Bynum	Hawkins	Murray	Stewart
Caldwell	Hawn	Nabers	Stroud
Calhoun	Haynes	Nelms	Swanson
Carrillo	Head	Neugent, D.	Tarbox
Cates	Heatly	Newton	Traeger
Cavness	Hendricks	Nichols	Truan
Christian	Hilliard	Niland	Tupper
Clark	Holmes, T.	Nugent, J.	Uher
Clayton	Holmes, Z.	Ogg	Vale
Coats	Howard	Orr	Von Dohlen
Cobb	Hubenak	Parker, C.	Ward
Cole	Hull	Parker, W.	Wieting
Craddick	Ingram	Patterson	Williams
Cruz	Johnson	Pickens	Williamson
Daniel	Jones, D.	Poerner	Wolff
Davis, D.	Jones, E.	Poff	Wyatt
Davis, H.			

**Nays—1**

Mengden

In The Chair

Solomon

Absent

Hannah, John

Absent-Excused

Wayne

Mr. John Allen moved to reconsider the vote by which HB 1786 was passed and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 6, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 951, By Watson: To permit certain individuals to attend an adjacent public school free of tuition; and declaring an emergency.

SB 953, By Hall: Validating the incorporation of all cities and towns of more than 600 and less than 2,000 inhabitants, heretofore incorporated or attempted to be incorporated under the general laws of Texas under the Commission form of government; and declaring an emergency.

SB 956, By Creighton: Providing for the authorization and issuance, by any city or town which owns a sea life park and oceanarium, the same having been or being constructed, equipped and developed wholly or partly with the proceeds of duly voted general obligation park bonds, of Certificates of Indebtedness for the purpose of operating, maintaining, supplying, repairing or further developing any such park improvements and certain other public facilities; and declaring an emergency.

SCR 82, By Mauzy: Permission for M. C. Winters, Inc., and The Austin Bridge Company to sue the State of Texas.

SB 149, By Mauzy: Relating to the protection of children from abuse and neglect; and declaring an emergency. (as amended)

SB 327, By Bridges: Relating to refusing, revoking, suspending, and reinstating licenses to practice chiropractic and relating to the use of ionizing radiation; and declaring an emergency.

SB 331, By Bridges: Relating to the required wearing of life preserving devices for certain minor passengers of prescribed motorboats; and declaring an emergency.

SB 482, By McKool: Relating to regulation of the possession, transportation and use of explosives and related destructive devices; and declaring an emergency.

SB 502, By Hall: Relating to the supervision fees and examination fees of credit unions; and declaring an emergency.

SB 516, By Hightower: Relating to the use of certain vehicles on public highways; and declaring an emergency.

SB 528, By Hightower: Relating to the creation of the State Law Library to be operated and administered by the State Law Library Board; and declaring an emergency.

SB 535, By Herring: Creating the State of Texas Building Materials and Systems Testing Laboratory, including a Technical Testing and Evaluation Council; and declaring an emergency.

SB 542, By Schwartz: Creating the Texas Navy Commission and prescribing its duties and functions; and declaring an emergency.

SB 563, By Mauzy: Relating to the recovery of attorney's fees in certain suits in which a person, corporation, partnership, or other legal entity obtains judgment for an unpaid claim; and declaring an emergency.

SB 607, By Herring: To be known as The Certificate of Obligation Act of 1971; and declaring an emergency. (as amended)

SB 737, By Christie: Relating to the issuance of time warrants by certain independent school districts having within or partly within their boundaries a city having a population of not less than 322,000 and not more than 328,000; and declaring an emergency.

SB 803, By Patman: Relating to the authority of cities and counties and navigation districts to issue revenue bonds for the purpose of acquiring property for industrial and rural development purposes; and to lease such property; providing that the property is taxable; and declaring an emergency. (as amended)

SB 934, By Bridges: To set forth the procedure by which zoning regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed; and declaring an emergency.

SB 936, By McKool: Authorizing certain school districts to use school funds for interscholastic soccer competition; and declaring an emergency.

SB 940, By Mauzy: Raising the eligible age of employees becoming members of the Texas County and District Retirement System to 60 years; and declaring an emergency.

SB 941, By Mauzy, Harris: Relating to the legality of the pool system for private clubs operating on the premises of certain professional sport stadiums; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

(Speaker in the Chair)

#### MESSAGE FROM THE GOVERNOR

The Speaker laid before the House the following Message from the Governor:

To the House of Representatives, 62nd Legislature, Regular Session, State of Texas:

I herewith return to you HB 556, which I have this date vetoed for the following reasons:

One of the primary concerns of all the people of the State of Texas for the past several years has been the spiraling costs of insurance rates.

The welfare and best interests of the citizens of this State must remain paramount at all times.

HB 556, recently passed by both Houses of the Texas Legislature, relates to tort actions for personal injuries or property damage, usually referred to as negligence or fault cases.

This Bill fails to meet two simple criteria of intelligibility and candor. The Bill is both ambiguous and confusing, lacking the definition and provisions desirable in so important a measure.

This Bill covers a multiplicity of subjects: (1) the elimination of contributory negligence as a bar to recovery; (2) providing for a requirement that the Texas Supreme Court "shall promulgate rules which shall simplify the submission of special issues"; (3) establishes comparative negligence as a rule of substantive law in this State; (4) provides for a 10-2 jury verdict in cases based on fault; (5) repeals all laws including Article 2212 which deals with contribution and indemnity between tort-feasors or negligent wrongdoers, as that Article may conflict with this Bill under consideration; and (6) specifically eliminates "inferential rebuttal or special defensive issues."

The constitutionality of this Bill can be questioned as being in violation of Article 3, Section 35, of the Texas Constitution. It is imprudent to change the court law everywhere in one giant single step.

Comparative negligence, as written in this Bill, is not a good law. The people of Texas should not and will not surrender lightly the principle of personal responsibility. It is my feeling that this Bill will contribute to the clogging of our overcrowded court conditions and could conceivably double or triple the number of personal injury suits now being filed in our courts.

The Governor's Office has been and will always be dedicated to the reduction of automobile insurance rates and, at the same time, to reasonably assuring the availability of insurance to our citizens. I have not favored legislation which would have the effect of increasing automobile insurance rates. I have given much study to HB 556, and its effect on rates. The conclusion is inescapable; it would be inflationary and greatly increase liability rates.

The other sections of the Bill relating to procedural changes involving 10-2 jury verdict and the elimination of special issues threaten to usurp the power of the Supreme Court in that it mandates the Supreme Court to make these specific changes in our existing civil procedures.

These two major changes, the 10-2 jury verdict and the elimination of special issues, are a radical departure from our present proven system of civil procedure. The Bill mandates the Supreme Court without regard to its knowledge, expertise, and will. The Legislature in 1939 adopted what is now Article 1731a of the Revised Civil Statutes of Texas giving to the Supreme Court rule-making power in matters of procedure. This is a good law, and certainly the Supreme Court, in its wisdom, and not the Legislature, is in a better position in the administration of justice to provide the rules of procedure.

This Bill cannot have any other effect than to throw the judicial system of the State of Texas into utter chaos and to cause a further substantial increase in insurance premiums.

The Bill would effectively eliminate the special issue system in Texas, which has been devised to elicit from juries a fair and impartial finding of the ultimate facts in each case. The elimination of this system, together with the permission implicit in the Bill, to advise a jury of the effect of their answers, will completely change the function of the jury and eliminate its prior function in finding ultimate facts.

HB 556, 62nd Legislature, Regular Session, is hereby vetoed and I am returning it herewith to the Texas House of Representatives under the provisions of Article IV, Section 14, of the Texas Constitution.

IN TESTIMONY WHEREOF, I have  
hereunto signed my name officially and  
caused the Seal of State to be affixed hereto  
at Austin, this the 5th day of May, 1971.

PRESTON SMITH  
Governor of Texas

By the Governor:

MARTIN DIES, JR.  
Secretary of State

Filed in the Office of the  
Secretary of State  
1:45 p.m. o'clock  
May 5, 1971

MARTIN DIES, JR.  
Secretary of State

Mr. Hale raised the following point of order:

Mr. Speaker: I raise the following point of order concerning the message from the Governor which purports to advise the House that he has vetoed HB 556.

HB 556 cannot be received by the House and the Governor's objections to HB 556 cannot be entered on the House Journal because the Governor has not complied with Article 4, Section 14 of the Constitution of Texas, which reads in part as follows:

. . . if he disapprove it, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its Journal and proceed to reconsider it. . . if any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it . . .

The enrolled copy of HB 556, which the Governor today attempted to return to the House bears the file mark of the Secretary of State of the

State of Texas showing that the enrolled copy of HB 556 was officially filed in the Office of the Secretary of State at 1:45 p.m. on May 5, 1971, such file mark having been authenticated by the signature of Martin Dies, Jr., Secretary of State. By the act of the Governor in filing the enrolled copy of HB 556 with the Secretary of State, HB 556 passed beyond the control of the Governor, and became an official public document under the custody and control of the Secretary of State. The action of the Governor in attempting to withdraw HB 556 from the Office of the Secretary of State, once it had been officially filed in such office, was a violation of Texas law, a violation of the Texas Constitution, and was patently a void and illegal act, and could have no legal effect in returning custody and control of such bill to the Governor's office. Once the bill was filed in the Office of the Secretary of State it immediately became law under the provisions of Article 4, Section 14, of the Constitution of Texas, and the action of the Governor in attempting to recall it and subsequently to send it to this House with his objections can be nothing but a complete legal nullity.

Under Texas law and the Texas Constitution, HB 556 became the statutory law of Texas at 1:45 p.m. on May 5, 1971, when such bill was formally filed in the Office of the Secretary of State.

This condition of Texas law is clearly outlined in Attorney General's Opinion No. 0-5310 dated May 24, 1943, which opinion cites as authority *People vs. McCullough*, 71 NE 602; and *Pickle vs. McCall*, 24 SW 265.

By reason of the foregoing I respectfully submit that since HB 556 is now a statutory law of Texas, this House can neither receive the objections of the Governor, nor enter such objections at large on its Journal.

In support of this point of order, I submit the following exhibits:

- (1) Letter from Governor dated May 5, 1971
- (2) Proclamation of Governor dated May 5, 1971
- (3) Enrolled copy of HB 556 showing file mark of Secretary of State dated May 5, 1971.

PRESTON SMITH  
Governor of Texas

May 5, 1971

Honorable Martin Dies, Jr.  
Secretary of State  
Austin, Texas 78711

Dear Mr. Secretary:

I hereby direct you to withdraw HB 556 and to return same to my office. My office is being directed to return HB 556 to the House of Representatives, House of Origin.

Sincerely,  
PRESTON SMITH  
Governor of Texas



## PROCLAMATION

by the

## GOVERNOR OF THE STATE OF TEXAS

## TO ALL TO WHOM THESE PRESENTS SHALL COME:

One of the primary concerns of the people of the State of Texas for the past several years has been the spiraling costs of insurance rates.

The welfare and best interests of all citizens of this State must remain paramount at all times.

HB 556, recently passed by both Houses of the Texas Legislature, relates to tort actions for personal injuries or property damage, usually referred to as negligence or fault cases.

This Bill fails to meet two simple criteria of intelligibility and candor. The Bill is both ambiguous and confusing, lacking the definition and provisions desirable in so important a measure.

This Bill covers a multiplicity of subjects: (1) the elimination of contributory negligence as a bar to recovery; (2) providing for a requirement that the Texas Supreme Court "shall promulgate rules which shall simplify the submission of special issues;" (3) establishes comparative negligence as a rule of substantive law in this State; (4) provides for a 10-2 jury verdict in cases based on fault; (5) repeals all laws including Article 2212 which deals with contribution and indemnity between tort-feasors or negligent wrong doers, as that Article may conflict with this Bill under consideration; and (6) specifically eliminates "inferential rebuttal or special defensive issues."

The constitutionality of this Bill can be questioned as being in violation of Article 3, Section 5, of the Texas Constitution. It is imprudent to change the court law everywhere in one giant single step.

Comparative negligence, as written in this Bill, is not a good law. The people of Texas should not and will not surrender lightly the principle of personal responsibility. It is my feeling that this Bill will contribute to the clogging of our overcrowded court conditions and could conceivably double or triple the number of personal injury suits now being filed in our courts.

The Governor's Office has been and will always be dedicated to the reduction of automobile insurance rates and, at the same time, to reasonably assuring the availability of insurance to our citizens. I have not favored legislation which would have the effect of increasing automobile insurance rates. I have given much study to HB 556 and its effect on rates. The conclusion is inescapable; it would be inflationary and greatly increase liability rates.

The other sections of the Bill relating to procedural changes involving 10-2 jury verdict and the elimination of special issues threaten to usurp the power of the Supreme Court in that it mandates the Supreme Court to make these specific changes in our existing civil procedures.

These two major changes, the 10-2 jury verdict and the elimination of special issues, are a radical departure from our present proven system of civil procedure. The Bill mandates the Supreme Court without regard to its knowledge, expertise, and will. The Legislature in 1939 adopted what is now Article 1731a of the Revised Civil Statutes of Texas giving to the Supreme Court rule-making power in matters of procedure. This is a good law, and certainly the Supreme Court, in its wisdom, and not the Legislature, is in a better position in the administration of justice to provide the rules of procedure.

This Bill cannot have any other effect than to throw the judicial system of the State of Texas into utter chaos and to cause a further substantial increase in insurance premiums.

The Bill would effectively eliminate the special issue system in Texas, which has been devised to elicit from juries a fair and impartial finding of the ultimate facts in each case. The elimination of this system, together with the permission implicit in the Bill, to advise a jury of the effect of their answers, will completely change the function of the jury and eliminate its prior function in finding ultimate facts.

HB 556, 62nd Legislature, Regular Session, is hereby vetoed, and I am herewith filing it, together with this proclamation, with the Secretary of State, under the provisions of Article IV, Section 14, of the Texas Constitution.

IN TESTIMONY WHEREOF, I have  
hereunto signed my name officially and  
caused the Seal of State to be affixed hereto  
at Austin, this the 5th day of May, 1971.

PRESTON SMITH  
Governor of Texas

By the Governor:

.....  
Secretary of State

HB 556

An Act establishing a system of comparative negligence and abolishing contributory negligence as a bar to recovery under certain conditions in civil suits by providing for recovery of damages on the basis of comparison of negligence; providing for simplification of issues to be submitted to the jury for consideration in certain civil cases; providing for contribution and indemnity in the case of joint tort-feasors; providing for verdicts on the concurrence of 10 or more jurors in certain civil cases; repealing certain laws to the extent of conflict and saving certain laws from repeal; providing for severability; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Contributory negligence shall not bar recovery in any action by any person or his legal representative seeking to recover damages for negligence resulting in death or in injury to person or property, if such

negligence was not greater than the negligence of the person or persons against whom recovery is sought, but any damages awarded shall be diminished by the jury in the proportion to the amount of negligence attributed to the person recovering; and the court shall so instruct the jury.

Sec. 2. The Supreme Court of the State of Texas shall, on or before January 1, 1972, promulgate rules which shall simplify the issues and the charge to be submitted to the jury for consideration in all court cases where liability is based on fault (fault is negligence, or the breach of a statutory duty, or an intentional wrong), whereby only the basic simplified issues will be submitted to the jury for consideration, such as:

(1) Which party or parties was at fault in causing the accident or event? (Answer to be by checking from the written names of the parties or a written statement that none of the parties was at fault.)

(2) If any of the parties were at fault in causing the accident or event, what was their specific fault? (Answer to be by checking from written specific grounds of fault that have been raised by the pleading and proof for each party.)

(3) If more than one party is at fault, what is the percentage that each contributed to cause the accident or event?

(4) What are the legal damages sustained by the injured and/or damaged parties? (Taking into consideration all appropriate elements of damages, including any reduction in proportion to any contributing fault of the injured or damaged party in negligence and breach of statutory duty cases.)

Inferential rebuttal or special defensive issues shall be eliminated.

The basic issues will follow simplified explanatory instructions of the court in its general charge to the jury as to the role of the jury in answering the issues; the law applicable to the case including any grounds for recovery and any special defenses existing under the present law, such as unavoidable accident, sole cause, sudden emergency, imminent peril, assumption of the risk, and new and independent cause, and the burden of proof. The court shall not comment directly on the evidence or the weight to be given the evidence, but the court's charge shall not be objectionable on the ground that it indirectly or inferentially constitutes a comment on the weight of the evidence or advises the jury the effect of their answers.

Sec. 3. In all cases where liability is based on the fault as defined in Section 2 hereof, wherein recovery is sought against more than one party and the causal negligence of the party seeking an affirmative recovery is not greater than the negligence of all the parties from whom recovery is sought, contribution to the damages awarded shall be in proportion to the percentage of negligence attributable to each party from whom recovery is sought, provided however, that such defendants shall be entitled only to an offset from said entire award of any sum paid in settlement to the party seeking recovery by any other alleged tort-feasor who is not then a party to the suit; provided, further, all claims for contribu-

tion and indemnity, not based on contract between defending parties, over which the Texas courts have in personam jurisdiction, must be determined in the primary suit; however a cross-claimant's recovery shall not be taken as an offset to the recovery of any plaintiff or other cross-claimant.

Sec. 4. In all civil cases where liability is based on fault, tried in district courts, the jury may render a verdict upon the concurrence of as many as 10 of its members and when such verdict is less than unanimous it shall be signed by each member concurring therein.

Sec. 5. If any word, phrase, clause, provision, sentence, part or parts of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Act and all remaining parts shall be valid. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such word, phrase, clause, provision, sentence, part or parts thereof would be declared invalid or unconstitutional.

Sec. 6. All laws or parts of laws in conflict, including Article 2212, Revised Civil Statutes of Texas, 1925, are expressly repealed to the extent of any conflict. However, nothing herein shall be construed to repeal Chapter 225, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 6701b, Vernon's Texas Civil Statutes).

Sec. 7. The fact that many court calendars of this state are crowded, congested and delay is prevalent, trials have become lengthy and too much time is expended in preparing the court's charge and jury deliberation, and further grave injustice is constantly being worked upon persons in this state injured in person and property by the negligence or fault of others due to the fact that under existing law there can be no recovery of damages by the person so suffering injury or damage if he be in any degree contributorily negligent, and juries are submitted a large number of technically-worded issues without being advised of the law, and all 12 jurors are required to agree unanimously on a multitude of granulated special issues, resulting in mistrials, deadlocked juries, retrials, and technical appeals, creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be suspended, and this Rule is hereby suspended and that this Act shall take effect and be in force for all causes of tort action arising after the date of its passage and that such portion of this Act providing in civil cases for less than unanimous jury verdicts and for submission of issues and instructions to the jury shall take effect and be in force for all civil negligence causes of action in the district courts of this state the trial of which shall begin after the date of its passage, and it is so enacted.

Signed: Ben Barnes  
Lieutenant Governor  
President of the Senate

Signed: G. F. Mutscher  
Speaker of the House

I hereby certify that HB 556 was passed by the House on April 16, 1971, by the following vote: Yeas 87, Nays 42 and 1 Present—Not Voting.

Signed: Dorothy Hallman  
Chief Clerk of the House

I hereby certify that HB 556 was passed by the Senate on April 23, 1971, by a viva-voce vote.

Signed: Charles Schnabel  
Secretary of the Senate

APPROVED: .....  
Date

.....  
Governor

The Speaker did not entertain the point of order, stating as follows:

Mr. Hale raises a point of order that the objections of the Governor cannot be received by the House or such objections entered in the Journal for the reason that such action would violate provisions of the Texas Constitution. The historical precedence in this House indicates clearly that the Chair does not have the authority to decide Constitutional questions. For that reason, and without comment in any way on the merits of the proposition, the Chair will not entertain the point of order, but will preserve it in the Journal for such decision thereon as the Courts of Texas shall deem legal and appropriate. Receipt of such objections by the House and entering such objections on the Journal shall not be construed in any way as a ruling on the legality or illegality of the actions of the Governor with respect to HB 556.

The Message from the Governor was then read in full.

#### HB 730—VOTE RECONSIDERED

Mr. Atwell moved to reconsider the vote by which the House concurred in Senate Amendments to HB 730 on today.

A record vote was requested.

The motion to reconsider prevailed by the following vote:

## Yeas—98

Adams	Garcia	Lovell	Schulle
Allen, John	Golman	McAlister	Semos
Atwell	Hale	McKissack	Shannon
Baker	Hanna, Joe	Moncrief	Sherman
Beckham	Harding	Moore, A.	Short
Blanton	Hawkins	Moore, G.	Silber
Boyle	Hawn	Murray	Simmons
Braecklein	Haynes	Nabers	Slack
Burgess	Heatly	Neugent, D.	Slider
Bynum	Hendricks	Newton	Solomon
Calhoun	Hilliard	Niland	Spurlock
Carrillo	Holmes, T.	Nugent, J.	Stewart
Cates	Howard	Ogg	Stroud
Cavness	Hubenak	Orr	Swanson
Clayton	Hull	Parker, W.	Tarbox
Coats	Ingram	Pickens	Traeger
Cobb	Johnson	Poerner	Truan
Cole	Jones, D.	Presnal	Tupper
Cruz	Jones, G.	Price	Uher
Davis, D.	Kaster	Rosson	Von Dohlen
Davis, H.	Kost	Salem	Ward
Doran	Lemmon	Salter	Wieting
Finnell	Lewis	Sanchez	Wolff
Floyd	Ligarde	Santiesteban	Wyatt
Foreman	Lombardino		

## Nays—46

Agnich	Christian	Graves	Moreno
Allen, Joe	Clark	Hannah, John	Nelms
Allred	Craddick	Harris	Nichols
Angly	Daniel	Head	Parker, C.
Atwood	Denton	Holmes, Z.	Patterson
Bass, B.	Doyle	Jones, E.	Poff
Bass, T.	Dramberger	Jungmichel	Reed
Bigham	Earthman	Kubiak	Rodriguez
Blythe	Farenthold	Lee	Vale
Bowers	Finney	Mengden	Williams
Braun	Gammage	Moore, T.	Williamson
Caldwell	Grant		

## Present—Not Voting

Finck

## Absent

Kilpatrick	Longoria	Smith
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## Absent-Excused

Wayne

The vote of the House was taken on the motion to concur in Senate Amendments to HB 730 and the vote was announced Yeas 102, Nays 46 and 1 Present—Not Voting.

A verification of the vote was requested and was granted.

The roll of those voting Yea was again called and the verified vote resulted as follows:

**Yeas—100**

Mr. Speaker	Floyd	Lewis	Santiesteban
Adams	Foreman	Ligarde	Schulle
Allen, John	Garcia	Lombardino	Semos
Atwell	Golman	Lovell	Shannon
Baker	Hale	McAlister	Sherman
Beckham	Hanna, Joe	Moncrief	Short
Blanton	Harding	Moore, A.	Silber
Boyle	Hawkins	Moore, G.	Simmons
Braecklein	Hawn	Murray	Slack
Burgess	Haynes	Nabers	Slider
Bynum	Heatly	Neugent, D.	Solomon
Calhoun	Hendricks	Newton	Spurlock
Carrillo	Hilliard	Niland	Stroud
Cates	Holmes, T.	Nugent, J.	Swanson
Cavness	Howard	Ogg	Tarbox
Clayton	Hubenak	Orr	Traeger
Coats	Hull	Parker, W.	Truan
Cobb	Ingram	Pickens	Tupper
Cole	Johnson	Poerner	Uher
Cruz	Jones, D.	Presnal	Von Dohlen
Davis, D.	Jones, G.	Price	Ward
Davis, H.	Kaster	Rosson	Wieting
Doran	Kilpatrick	Salem	Williams
Doyle	Kost	Salter	Wolff
Finnell	Lemmon	Sanchez	Wyatt

**Nays—46**

Agnich	Christian	Hannah, John	Nelms
Allen, Joe	Clark	Harris	Nichols
Allred	Craddick	Head	Parker, C.
Angly	Daniel	Holmes, Z.	Patterson
Atwood	Denton	Jones, E.	Poff
Bass, B.	Dramberger	Jungmichel	Reed
Bass, T.	Earthman	Kubiak	Rodriguez
Bigham	Farenthold	Lee	Smith
Blythe	Finney	Mengden	Stewart
Bowers	Gammage	Moore, T.	Vale
Braun	Grant	Moreno	Williamson
Caldwell	Graves		

**Present—Not Voting**

Finck

**Absent**

Longoria            McKissack

**Absent-Excused**

Wayne

By unanimous consent, the House dispensed with the verification of those voting Nay.

The Speaker stated that the House concurred in the Senate amendments to HB 730 by the above vote.

#### REASONS FOR VOTE

As reflected by record vote No. 5 on this date (May 6), I am opposed to this tax bill. My feeling is that it places too great a burden on the consumer. The House has overwhelmingly passed the tax, and the only question now is when the tax will take effect. I have changed my vote on the motion to reconsider for the sole purpose of giving the tax immediate effect. I feel that I have a responsibility to keep the State on a sound financial basis.

Signed: Hendricks, Truan, Cruz, Cole, Beckham, Salem, Lewis, and Haynes.

#### REASON FOR VOTE

I voted Present—Not Voting on all votes relative to concurrence in Senate Amendments to HB 730 because these amendments alter the present tax on cigars and I am actively engaged in the cigar manufacturing business.

Article 3, Section 22 of the Texas Constitution and House Rule XII Section 2 prohibit a Member's voting on a bill in which he has a personal interest.

Signed: Bill Finck

#### REASON FOR VOTE

Record Vote No. 5 will reflect on this date, May 6, that I opposed and voted against the tax bill, HB 730. It is my strong feeling that this bill places too great a burden on the consumer.

However, the House overwhelmingly passed the tax bill and the only question now is when the tax will take effect.

I feel that if we do not put the tax bill into immediate effect, it will put the State in deficit spending, to which I am opposed.

My vote on the motion to put HB 730 into immediate effect was for the sole purpose of giving the tax immediate effect so that we might meet the current deficits in several areas, such as medical and welfare needs of our elderly.

It is my feeling that I have a responsibility to give the elderly and the welfare recipients some immediate relief and to keep the State on a sound financial basis by preventing deficit spending.

Signed: Lindon Williams

(Mr. Jim Nugent in the Chair)

#### HB 900 WITH SENATE AMENDMENTS

Mr. Lombardino called up with Senate Amendments for consideration at this time,



HB 900, Relating to requiring reinspection of a motor vehicle, trailer, semitrailer, pole trailer, or mobile home after damage to the vehicle.

Mr. Lombardino moved to suspend all necessary rules and concur in the Senate Amendments to HB 900.

The motion prevailed without objection.

#### VOTES RECORDED

Representatives Doyle, Kubiak, Adams, and Nabers requested to be recorded as voting Nay on motion to concur in Senate amendments to HB 900.

#### HB 900—TEXT OF SENATE AMENDMENTS

Amend HB 900 by striking the words (10) days on line 27 and inserting in lieu thereof the words (30) days.

Amend caption to conform to body of bill.

#### SB 652—ADOPTION OF CONFERENCE COMMITTEE REPORT

Mr. Clayton submitted the following Conference Committee Report on SB 652:

Austin, Texas  
May 4, 1971

Honorable Ben Barnes  
President of the Senate.

Honorable Gus Mutscher  
Speaker of The House of Representatives.

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 652 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: Brooks  
Wallace  
Sherman  
Creighton  
Kothmann

On the part of the House: Clayton  
Finck  
John Allen  
Lauro Cruz  
Bill Swanson

SB 652, A bill to be entitled An Act amending Chapter 228, Acts of the 56th Legislature, Regular Session, 1959, by adding a new section to be identified as Section 2A, providing a method by which certain conservation and reclamation districts lying in more than one city shall be abolished; providing for the distribution of the physical assets, properties and facilities of said districts to said cities; providing for the assumption of the bonded indebtedness, liabilities, obligations, other debts and intangible assets of the districts by said cities; providing a procedure for the continuation of service by and the maintenance and operation of the physical assets, properties and facilities serving more than one city; authorizing certain cities to enter into mutual agreements with other cities by which said districts may be abolished, their assets, properties and facilities distributed to said cities, and their bonded indebtedness, liabilities, obligations and other debts assumed by said cities; providing that said agreements need not be approved by said districts; providing that said agreements may define and provide for the maintenance and operation of those physical assets, properties and facilities which serve territory within more than one city; providing that the agreements may have a term of fifty (50) years and may contain all provisions necessary or proper to the abolition of such districts, the distribution of their properties, assets and facilities and the assumption of their bonded indebtedness, liabilities, obligations and other debts; modifying the procedure by which such districts may be annexed by cities which have previously annexed territory within said districts; containing other provisions; providing a severability clause; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. Chapter 228, Acts of the 56th Legislature, Regular Session, 1959 (Article 1182c-5, Vernon's Texas Civil Statutes), is hereby amended by adding after Section 2 a new section to be numbered "2A" to read as follows:

"Section 2A(1) Notwithstanding any other provision of the law or this Act, any conservation and reclamation district created or existing pursuant to Article XVI, Section 59 of the Constitution of Texas which lies wholly within more than one city, and which, on April 1, 1971, did not lie wholly within more than one city, and which, on said date, was not a party to a contract providing for a Federal grant for research and development pursuant to Title 33, Sections 1155(a)(2) and 1155(d) of the United States Code, as amended, and which has provided or is providing fresh water supply, sanitary sewer and drainage services shall be abolished ninety (90) days after the inclusion of all of the territory of said district within said cities, and the physical assets, properties and facilities of the district shall be distributed to said cities and its intangible assets, bonded indebtedness, liabilities, obligations and other debts assumed by said cities in the following manner:

"(a) All physical assets, properties and facilities of said district located within the boundaries of each respective city shall, at the date of distribution, belong to said city. The intangible assets, bonded indebtedness, liabilities, obligations and other debts of the district shall be assumed by the cities. That part of the intangible assets, bonded indebtedness, liabilities, obligations and other debts of the district assumed by each city shall be determined by multiplying the total intangible assets, bonded indebtedness, liabilities, obligations or other debts of the district

by a fraction, the numerator of which is the original cost of all physical assets, properties and facilities of said district distributed to the city and the denominator of which is the total original cost of all physical assets, properties and facilities of the district. The term "original cost" as used in this Section shall mean the actual cost of construction or acquisition. Operating expenses during construction, interest during construction, organizational expenses, engineering fees, legal fees, fiscal fees and other fees and expenses shall not be considered when determining the original cost of any physical assets, properties or facilities. Each city shall faithfully perform all duties, functions and obligations imposed by law or by contract upon the abolished district and its governing body in regard to any outstanding district bonds, warrants or other obligations payable in whole or in part from the revenues from the operation of the district's properties, assets and facilities; provided, however, that maintenance and operation expenses may be allocated by a city between two or more similar properties, assets and facilities owned and operated by the city in direct proportion to the gross income of each.

"(b) All of the physical assets, properties and facilities which serve territory within more than one city shall continue to serve such territory and shall be operated and maintained by the city within which such properties, assets and facilities are located. Said city may make reasonable charges to the other cities served by such assets, properties and facilities for the operation and maintenance of such assets, properties and facilities.

"(2) Notwithstanding any contrary provision of the law or this Act, a district defined by Section 2A(1) may be abolished by mutual agreement between all of the cities wherein said district lies. Such agreement need not be approved by the district. The agreement may designate a date or dates, no later than ninety (90) days after the inclusion of all of the territory of said district within said cities, upon which the district shall be abolished. The agreement may provide a method by which the district's properties, assets and facilities shall be taken over by the cities, and the bonded indebtedness, liabilities, obligations and other debts of the district shall be assumed by said cities pursuant to such agreement. Said agreement may define those physical assets, properties and facilities of the district which serve territory within more than one city, and may provide a method by which said assets, properties and facilities shall be operated and maintained. An agreement executed pursuant to this Section may contain all provisions necessary or proper to the abolition of said district, the distribution of its properties, assets and facilities, and the assumption of its bonded indebtedness, liabilities, obligations, and other debts. Said agreement may bind the parties for as long as fifty (50) years, notwithstanding any provision of the city charters of the respective cities to the contrary.

"(3) If a city which has previously annexed territory within a district defined in Section 2A(1) annexes additional territory which lies wholly within such district and obtains the consent of all other cities which have previously annexed territory within said district and which have extraterritorial jurisdiction over the territory proposed to be annexed, then, notwithstanding any contrary provision of the Municipal Annexation Act (Article 970A, Vernon's Texas Civil Statutes, as amended), such annexing city need not obtain the consent of any other municipality.

Section 2. Nothing in this Act shall be construed to violate any provision of the Constitution of the United States of America or the Constitu-

tion of the State of Texas and all acts done hereunder shall be done in such manner as may conform thereto. If any word, phrase, clause, paragraph, sentence, part, portion or provision of this Act or the application thereof to any person or circumstances is held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision. All of the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions, and authorities herein set forth.

Section 3. The fact that the provisions of this Act are urgently needed to effectuate efficient municipal government and to eliminate overlapping and duplicitous municipal functions creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Clayton moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 652.

The motion prevailed by the following vote:

Yeas—142

Adams	Craddick	Hendricks	Nabers
Agnich	Cruz	Hilliard	Nelms
Allen, Joe	Daniel	Holmes, T.	Neugent, D.
Allen, John	Davis, D.	Holmes, Z.	Newton
Allred	Davis, H.	Howard	Niland
Angly	Denton	Hubenak	Ogg
Atwell	Doran	Hull	Orr
Atwood	Doyle	Ingram	Parker, C.
Baker	Dramberger	Johnson	Parker, W.
Bass, B.	Earthman	Jones, D.	Patterson
Bass, T.	Farenthold	Jones, E.	Pickens
Beckham	Finck	Jones, G.	Poerner
Bigham	Finnell	Jungmichel	Poff
Blythe	Finney	Kaster	Presnal
Bowers	Floyd	Kilpatrick	Price
Boyle	Foreman	Kost	Reed
Braecklein	Gammage	Kubiak	Rodriguez
Braun	Garcia	Lee	Rosson
Burgess	Golman	Lemmon	Salem
Bynum	Grant	Lewis	Salter
Caldwell	Graves	Ligarde	Sanchez
Calhoun	Hale	Lombardino	Schulle
Carrillo	Hanna, Joe	Longoria	Semos
Cates	Hannah, John	McAlister	Shannon
Cavness	Harding	McKissack	Sherman
Christian	Harris	Mengden	Short
Clark	Hawkins	Moncrief	Silber
Clayton	Hawn	Moore, A.	Simmons
Coats	Haynes	Moore, G.	Slack
Cobb	Head	Moreno	Slider
Cole	Heatly	Murray	Smith

Solomon	Tarbox	Vale	Williamson
Spurlock	Traeger	Von Dohlen	Wolff
Stewart	Truan	Ward	Wyatt
Stroud	Tupper	Wieting	
Swanson	Uher	Williams	

Nays—1

Moore, T.

In The Chair

Nugent, J.

Absent

Blanton	Lovell	Nichols	Santiesteban
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Absent-Excused

Wayne

#### COMMITTEE MEETING

Mr. Traeger asked unanimous consent of the House that the Committee on Constitutional Amendments be permitted to meet at this time.

There was no objection offered.

#### HB 1610 WITH SENATE AMENDMENTS

Mr. Solomon called up with Senate Amendments for consideration at this time,

HB 1610, Validating school districts, including all types of junior and regional college districts; validating their creation, abolition and conversion.

Mr. Solomon moved to suspend all necessary rules and concur in the Senate Amendments to HB 1610.

The motion prevailed by the following vote:

Yeas—137

Adams	Blythe	Christian	Doyle
Agnich	Bowers	Clark	Dramberger
Allen, Joe	Boyle	Clayton	Earthman
Allen, John	Braecklein	Coats	Farenthold
Allred	Braun	Cobb	Finck
Angly	Burgess	Cole	Finnell
Atwell	Bynum	Craddick	Finney
Atwood	Caldwell	Cruz	Floyd
Baker	Calhoun	Daniel	Foreman
Bass, B.	Carrillo	Davis, D.	Gammage
Beckham	Cates	Davis, H.	Garcia
Blanton	Cavness	Doran	Golman

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Grant	Jungmichel	Ogg	Slack
Hale	Kaster	Orr	Slider
Hanna, Joe	Kilpatrick	Parker, C.	Smith
Hannah, John	Kost	Parker, W.	Solomon
Harding	Kubiak	Patterson	Spurlock
Harris	Lee	Pickens	Stewart
Hawkins	Lemmon	Poerner	Swanson
Hawn	Lewis	Poff	Tarbox
Haynes	Ligarde	Presnal	Traeger
Head	Lombardino	Price	Truan
Heatly	Lovell	Reed	Tupper
Hendricks	McAlister	Rodriguez	Uher
Hilliard	McKissack	Rosson	Vale
Holmes, T.	Moncrief	Salem	Von Dohlen
Holmes, Z.	Moore, A.	Salter	Ward
Howard	Moore, G.	Santiesteban	Wieting
Hubenak	Murray	Schulle	Williams
Hull	Nabers	Semos	Williamson
Ingram	Nelms	Shannon	Wolff
Johnson	Neugent, D.	Sherman	Wyatt
Jones, D.	Newton	Short	
Jones, E.	Nichols	Silber	
Jones, G.	Niland	Simmons	

## Nays—6

Bass, T.	Denton	Mengden	Moore, T.
Bigham	Graves		

## In The Chair

Nugent, J.

## Absent

Longoria	Moreno	Sanchez	Stroud
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## Absent-Excused

Wayne

## HB 1610—TEXT OF SENATE AMENDMENTS

Amend HB 1610 by adding a new sentence at the end of Section 4 to read as follows:

“nor shall this Act apply to any district involved in pending litigation.”

Amend caption to conform to body of bill.

## HB 718 WITH SENATE AMENDMENTS

Mr. Doran called up with Senate Amendments for consideration at this time,

HB 718, Authorizing the commissioners court of Val Verde County to adopt zoning regulations for certain portions of the county frequented by citizens from all parts of this state.

Mr. Doran moved to suspend all necessary rules and concur in the Senate Amendments to HB 718.

The motion prevailed by the following vote:

**Yeas—141**

Adams	Davis, H.	Jones, D.	Presnal
Agnich	Denton	Jones, E.	Price
Allen, Joe	Doran	Jones, G.	Reed
Allen, John	Doyle	Jungmichel	Rodriguez
Allred	Dramberger	Kaster	Rosson
Angly	Earthman	Kilpatrick	Salem
Atwell	Farenthold	Kost	Salter
Atwood	Finck	Kubiak	Sanchez
Baker	Finnell	Lee	Santiesteban
Bass, B.	Finney	Lemmon	Schulle
Bass, T.	Floyd	Lewis	Semos
Beckham	Foreman	Ligarde	Shannon
Bigham	Gammage	Lombardino	Sherman
Blanton	Garcia	Lovell	Short
Blythe	Golman	McAlister	Silber
Bowers	Grant	McKissack	Simmons
Boyle	Hale	Moncrief	Slack
Braecklein	Hanna, Joe	Moore, A.	Slider
Braun	Hannah, John	Moore, G.	Smith
Burgess	Harding	Moreno	Solomon
Bynum	Harris	Murray	Spurlock
Caldwell	Hawkins	Nabers	Stewart
Calhoun	Hawn	Nelms	Swanson
Carrillo	Haynes	Neugent, D.	Traeger
Cates	Head	Newton	Truan
Cavness	Heatly	Nichols	Tupper
Christian	Hendricks	Niland	Uher
Clark	Hilliard	Ogg	Vale
Clayton	Holmes, T.	Orr	Von Dohlen
Coats	Holmes, Z.	Parker, C.	Ward
Cobb	Howard	Parker, W.	Wieting
Cole	Hubenak	Patterson	Williams
Craddick	Hull	Pickens	Williamson
Cruz	Ingram	Poerner	Wolff
Daniel	Johnson	Poff	Wyatt
Davis, D.			

**Nays—3**

Graves	Mengden	Moore, T.
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In The Chair

Nugent, J.

**Absent**

Longoria                      Stroud                      Tarbox

**Absent-Excused****Wayne****HB 718—TEXT OF SENATE AMENDMENTS**

Amend HB 718 by striking Section 5 and substituting the following:

Sec. 5. Zoning Commission. (a) The commissioners court shall appoint a zoning commission, to be composed of five members, to recommend the boundaries of the various original zoned districts, and appropriate regulations to be enforced therein. The commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the commissioners court shall not hold its public hearings or take action until it has received the final report of the commission. Written notice of all public hearings on proposed changes in classification shall be sent to all owners of property, or to the person rendering the same for county taxes, affected by such proposed changes of classification, and to all owners of property or to the person rendering the same for county taxes, located within 200 feet of any property affected thereby, within not less than 10 days before any such hearing is held. This notice may be served by depositing a letter, properly addressed and postage paid, containing all necessary information, in the post office.

(b) The zoning commission consists of an ex officio chairman and four additional members. The chairman shall be a public official in Val Verde County, and shall be appointed by the Commissioners Court of Val Verde County to hold a term of office of two years. Initial appointment of the four additional members of the zoning commission shall be made by the commissioners court with members to be assigned terms of one, two, three, and four years. Thereafter, in the event of resignation, end of term, or vacancy occurring in the membership, new members shall be selected by the commissioners court. A vacancy in the office of ex officio chairman shall be filled by appointment of the commissioners court.

(c) The zoning commission may employ a secretary, and an acting secretary, and other technical and clerical help to be paid not in excess of an amount determined by prior order of the commissioners court.

(d) Members of the commission shall receive compensation in the amount of \$10 per month, and may also be entitled to expenses actually incurred while serving on the commission in accordance with the provisions of any order entered by the commissioners court to that effect. However, the chairman shall not receive compensation under this subsection if he receives compensation in his capacity as a public official in Val Verde County.

(e) No person may be appointed to, or serve on, the commission after his 70th birthday.

Amend caption to conform to body of bill.



## HB 58 WITH SENATE AMENDMENTS

Mr. Cavness called up with Senate Amendments for consideration at this time,

HB 58, Relating to the issuance of permits for and the regulation of mass gatherings.

Mr. Cavness moved to suspend all necessary rules and concur in the Senate Amendments to HB 58.

The motion prevailed without objection.

## HB 58—TEXT OF SENATE AMENDMENTS

Amend Subsections (a) and (b) of Section 10 in HB 58 by deleting the word "may" and inserting in lieu thereof the word "shall".

Amend Section 7(b) of HB 58 by deleting the word "shall" and inserting in lieu thereof the word "may".

Amend caption to conform to body of bill.

## ADJOURNMENT

Mr. Pickens moved that the House adjourn until 4:20 p.m. today.

The motion prevailed without objection.

The House accordingly, at 4:12 p.m., adjourned until 4:20 p.m. today.

## SIXTY-NINTH DAY—THURSDAY, MAY 6, 1971

The House met at 4:20 p.m. and was called to order by the Honorable Jim Nugent.

The roll of the House was called and the following Members were present:

Adams	Burgess	Doran	Hawkins
Agnich	Bynum	Doyle	Hawn
Allen, Joe	Caldwell	Dramberger	Haynes
Allen, John	Calhoun	Earthman	Head
Allred	Carrillo	Farenthold	Heatly
Angly	Cates	Finck	Hendricks
Atwell	Cavness	Finnell	Hilliard
Atwood	Christian	Finney	Holmes, T.
Baker	Clark	Floyd	Holmes, Z.
Bass, B.	Clayton	Foreman	Howard
Bass, T.	Coats	Gammage	Hubenak
Beckham	Cobb	Garcia	Hull
Bigham	Cole	Golman	Ingram
Blanton	Craddick	Grant	Johnson
Blythe	Cruz	Hale	Jones, D.
Bowers	Daniel	Hanna, Joe	Jones, E.
Boyle	Davis, D.	Hannah, John	Jones, G.
Braecklein	Davis, H.	Harding	Jungmichel
Braun	Denton	Harris	Kaster